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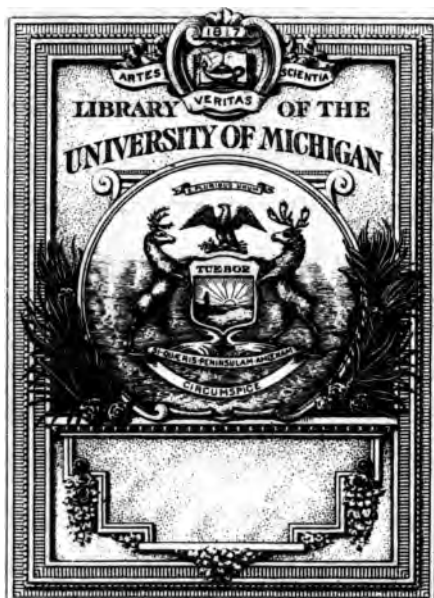
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A
LETTER
ADDRESSED TO A MEMBER OF
THE PRESENT PARLIAMENT,
ON THE
"ARTICLES OF CHARGE"
AGAINST
MARQUIS WELLESLEY.

G. SIDNEY, Printer,
Northumberland Street, Strand.

Will. Smith Esq.

LETTER
ADDRESSED TO A MEMBER
OF
THE PRESENT PARLIAMENT,
ON THE
“Articles of Charge”
AGAINST
MARQUIS WELLESLEY,
WHICH HAVE BEEN LAID BEFORE
THE HOUSE OF COMMONS.

BY LAWRENCE DUNDAS CAMPBELL, Esq.

London:

PRINTED FOR T. CADELL AND W. DAVIES, STRAND,

1808.

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Copyright in Literature

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A LETTER, &c.

MY DEAR SIR,

It affords me very high gratification to find, that my observations on the foreign policy of Lord Wellesley's administration, and on the late transactions in the Carnatic,* have fully satisfied your mind, of the wisdom and justness of the principles on which that policy, and those transactions were founded. I, therefore, readily comply with your desire, to submit to you my view of the ques-

* *Vide* A Reply to the "Strictures of the Edinburgh Review, &c."

tion, that forms the subject matter of the specific charges which have been exhibited against Lord Wellesley, in the House of Commons.

That question will, I presume, be finally determined in Parliament, early in the ensuing Session. And, as you concur in that general sentiment of reprobation, which all impartial and independent men express, at the conduct of the last House of Commons, in suffering the accusers of Lord Wellesley to postpone, from time to time, the consideration of the charges which they had brought against him, after the whole of their own evidence had been before the House and the country, for *ten months*,—I shall hope to see you exert the spirit and manliness of your mind, and the power of your constitutional knowledge, in asserting the legal right of the accused to call for a decision on his case, and in thereby rescuing the character

of Parliament, and the justice of your country, from that opprobrium with which any farther delay must indelibly stigmatize them.*

* The opinion of Mr. Fox on all subjects, must have great weight with you, and with every thinking man : but on a constitutional question, it must carry with it all the force of decisive authority. In one of the last speeches which that illustrious man made in the House of Commons, relative to the charge against Lord Wellesley, he declared;—" That the House, having *pledged* itself to the
 " accuser and the accused by this vote, and, more than
 " that, having actually ordered witnesses to attend, it *stood*
 " bound to both parties to enter upon the consideration of
 " this charge at some convenient time * * * * *. We
 " had now only to proceed with the evidence for two or
 " three days ; and if it was likely to go to *any length*, then
 " it would be necessary to adopt some *new and extraordinary*
 " nary course ; for he felt that it was *necessary*, in justice
 " to the accuser and accused, that the House should come
 " to some decision THIS SESSION".

Vide. Stockdale's Parliamentary Debates, June 18, No. 16, page 250, et seq. In the course of this speech, Mr. Fox

Leaving the merits of this point, therefore, to your informed understanding, and confiding in that spirit of justice, with which I cannot doubt the present House of Commons will be animated, I shall proceed to examine the specific articles of charge, on which its judgment will be called upon to decide.

Of these charges, *the first* relates to the conduct of Lord Wellesley, in the late arrangements with the Nabob of Oude; *the second*, to the arrangement which his Lordship concluded with the Nabob of Furruckabad; and *the third*, to certain measures which were adopted by the British government, against the Zemindars of Sassnnee and Cutchoura. The two last charges are im-

went so far as to state, that ministers might even advise his Majesty "to prolong the Session, and keep the Parliament sitting," in order that the question might be brought to a speedy conclusion.

plicated and involved in the first, and are in fact supplementary to it. The Nabob of Furruckabad was a tributary of the government of Oude; and the Zemindars of Sassnee, and Cutchoura were its subjects: Hence, the arrangement in Furruckabad, and the measures pursued against these Zemindars will be found to have followed, as necessary consequences of those proceedings in Oude, on which the accusers of Lord Wellesley found their principal charge.

That charge rests on an assumption which I shall shew to be totally false; and on this assumption is raised a variety of allegations, which the very evidence adduced to sustain them completely disproves. To these allegations I shall hereafter particularly advert. But, in the first instance, it is of much more importance to prove, that the great measure of policy, which it is their object to criminate, was fully justifiable on

principles of general equity, and imperiously recommended, not only by the consideration of its being an essential part of an humane, enlightened, and comprehensive system of political reformation, but also by a concurrence of circumstances which actually involved the security of our dominions in Hindustan.

In order to make you acquainted with the true grounds of this measure, and to prove, beyond the possibility of contradiction, the falsehood of the assumption on which the charge proceeds, it will be necessary to give you some account of the family of the present Nabob of Oude, as well as of the political state of that province, both before, and after, its connection with the British government.

In the charge against Lord Wellesley, it is assumed, as an admitted and established fact, " *that Oude is an INDEPENDENT PRIN-*

"CIPALITY, under the government of a Sovereign, whose title is NABOB VIZIER!"

This assertion is expressed with such a felicitous incongruity, that, in spite of its brevity, it contains in itself its own complete falsification. The Sovereign of an *Independant principality* is dignified with a title, which literally signifies, that he is not merely the *dependant*, but the actual *servant* of another monarch. I have shown in a late publication,* "that the title of *Nabob* could not have been adopted by any prince of Hindûstan, without a degradation of his superior rank, nor expressed along with his other titles, without a manifest solecism in language. According to the Moghul Institutions, as established in Hindûstan, *Nabob* (*Nâwâb*) was a title of honour, which was always conferred on the *Sûbahdârs*, or go-

* A Reply to the Strictures of the Edinburgh Review.

“ vernalors of provinces, and sometimes on the
 “ Omrahs or nobles of the empire ;” and, according to the Moghul institutions, as established throughout the whole of the Tartar conquests, the *Vizier* is the *first minister* of the sovereign. The title of *Nabob Vizier*, therefore, means that the person so denominated, is a *nobleman* of the Moghul empire, and the *chief minister* of the emperor.

The office of Vizier, as well as that of *Sûbahdâr*, was entirely personal; and both were consequently held at the will of the sovereign.

“ The *Sûbahdâr*, along with his appointment,
 “ received written instructions, in which the
 “ duties of his office are specifically laid down,
 “ and in which he is enjoined, in positive and
 “ distinct terms, “ *not to consider himself as*
 “ *permanently fixed in his office, but to hold*
 “ *himself, at all times, in perfect readiness to*
 “ *be removed, on the shortest notice from*

“ *the emperor.*”* These instructions prove, incontestibly, the *dependant* nature of a Sûbahdâr's office; whence the Nabobs of Oude, who were Sûbahdârs of that province of the Moghul empire, derived all their local authority and power.

Saâdut Khan, the ancestor of the present Nabob of Oude, and the founder of his family, was a native of Khorasan, who had travelled into Hindûstan as a military adventurer. Through the friendship which he formed with some of the principal officers of the court of Behaudar Shah, he was retained in the service, and introduced to the personal notice of that monarch. On the accession of Mohammed Shah, over whose mind he had gained a great ascendancy, he was first created an

* *Vide the Ayeen Akbarry, or the Institutes of Akbar, and the Akbar-Nâmah, or the History of Akbar.*

Emir, or noble of the empire, then appointed to the government of Akbarabad, and, finally, received the command of a Munsub, or corps of 5000 horse, the dignity of Nabob, and the Sûbahdarry of Oude.

The elevation of this adventurer to these dignities, naturally gave his family considerable influence at court; so that upon his death, his nephew Sûfdar Jûng was appointed to succeed him in the government of Oude; and on the death of the famous Nizam-ul-Mûlk, he was raised to the high office of the Vizierut, or Vizier of the empire, and at the same time to that of Meer-atush, or master-general of the artillery. From both these offices, however, he was afterwards dismissed, for having ordered a favourite eunuch of the Emperor to be put to death; but on account of his former services, he was allowed to retain the government of Oude. At his death, in 1753, his son, Sujah-ud-Dowlâh, the father of the present Nabob,

was invested in the office of Subahdar of Oude; and, on the elevation of the unfortunate Shah Allum to the imperial throne, in 1761, he was appointed Vizier of the empire.

At that period of time the emperor was at war with the English, who had defeated him in several engagements, and who had in reality, if not ostensibly, established their sovereignty over the provinces of Bengal and Behar, of which he endeavoured, in vain, to divest them. Repulsed in these endeavours, he withdrew from the contest, and a cessation of hostilities consequently took place, which lasted for two years.

About the expiration of that time, a rupture broke out between the British government and Meer Caásim Alli, the Subahdar of Bengal: and the cause of the latter being warmly espoused by the Nabob Vizier Sujahud-Dowlah, the emperor was again induced to proclaim war against the English, and to

march against them with a formidable army. In this march he was accompanied by the Vizier, who, in his own mind, had formed the project, not only of re-conquering the whole of Bengal and Behar, but of exterminating the English in Hindûstan. This mighty plan, however, was destroyed by the battle of Buxar, in which the English obtained a decisive victory over the Mussulman arms.

The vanquished emperor, mortified and disheartened, retired to Benares, from whence he communicated to the English general his desire to terminate hostilities, and to place himself under the generous protection of his conquerors: but the Vizier, exasperated, rather than humbled, at the overthrow of his ambitious scheme, determined still to oppose them, on his own authority; and for this purpose repaired to his government of Oude, where he assembled an army, com-

posed of his provincial troops, and a detachment of Mahratta mercenaries.

This conduct, on the part of the Vizier, being of course considered by the emperor as an act of rebellion, he dismissed him from the vizierut, and from the subahdarry of Oude; and concluded an agreement with the English, whereby it was stipulated, among other things, “ that they should dispossess the Nabob Sujah-ud-Dowlah, of the government and territories of Oude, and deliver them to the emperor.”—A furmaun, or royal mandate was accordingly issued, in which it is expressly declared, “ that the Nabob Sujah-ud-Dowlah, having “ unjustly, *and contrary to the royal pleasure*, waged war against the English, the “ country of Ghazipur, &c. &c. *belonging to* “ *the Nizamut (or Subadarry)* of the Nabob “ Sujah-ud-Dowlah, shall be given to their “ disposal. And further, that the army of the

“ English, &c. shall put the emperor in pos-
 “ session of the *rest of the countries belong-*
 “ *ing to the Nizamut of the Nabob Sujah-*
 “ *ud-Dowlah.*”*

In conformity with this furmaun, and with the stipulations in which it originated, the English marched against Sujah-ud-Dowlah, and after totally defeating and discomfiting his forces at the battle of Kalpi, made an *entire conquest of the whole province of Oude.*

* See this Furmaun in the Appendix to the “View of the Rise and Progress of the English government in Bengal; By H. Verelst, Esq. late Governor of Bengal,” in which work, the whole of the transactions here glanced at are recorded and elucidated. The Oriental reader will find the accuracy of Mr. Verelst’s narrative fully confirmed in the valuable *History of Gholam Hussein Khan*, who was a spectator of those events; and in many of them bore a personal share.

In this desperate situation of his affairs, Sujah-ud-Dowlah threw himself on the mercy of the English, and *surrendered at discretion*. From the month of May, until August 1765, he continued a *prisoner* with the English army at Allahabad, when Lord Clive (then governor of Bengal) arrived there, for the purpose of making a final arrangement for the settlement of the provinces, which had thus been conquered by the English arms.

Various considerations of policy, which it would be irrelevant to my present purpose to state, induced Lord Clive to decline the ratification of the articles of agreement, which had been previously concluded with the emperor, notwithstanding the valuable cession of territory which had thereby been made to the company. His Lordship considered, that from the very *limited nature* of the Company's *military resources*, at that

period of time, and still more from the contracted principles on which their affairs were then conducted in England, the establishment of a decisive and permanent *political authority* in northern Hindûstan, would, upon the whole, be a wiser policy, than to augment our power by any farther extension of territory in that quarter. And, for the purpose of establishing this *political authority*, his sagacity soon discovered, that the Nabob Sujah-ud-Dowlah, from the general spirit of his character, was the fittest instrument he could chuse.

With this view, therefore, he prevailed on the emperor to give up to the Company, *in perpetuity*, the *Diwannee*, or revenues of Bengal, Behar, and Orissa, instead of the cession of actual territory before agreed on; and, at the same time, he persuaded him to grant an amnesty to Sujah-ud-Dowlah, to restore him to his government of Oude,

and the office of Vizier, and, finally, to allow him to form, under the royal sanction, a *treaty of protection* with the English government. A convention of this nature was accordingly concluded with Sujah-ud-Dowlah, *in his capacity of Vizier of the empire, and under the seal of the Emperor*; whereby it was stipulated; amongst other things, “ *that the Company should protect the territory of Oude from all enemies by whom it might be attacked; with a part or with the whole of their forces, if necessary*; and that the Nabob Vizier should furnish the Company with *part or the whole of his troops*, in the event of their dominions being attacked; but that **THE EXPENSE OF THE COMPANY'S FORCES, EMPLOYED IN THE PROTECTION OF OUDE,** *should be defrayed by the Nabob*; *that the Nabob Vizier should pay, fifty laes of rupees to the Company, in discharge of the expenses they had incurred by this war*; and that, when this last stipulation was fulfilled,

the Company's army should be withdrawn from the territories of Oude, and that province delivered up to the Vizier."*

You will observe, that this treaty was executed by Sujah-ud-Dowlah, *as Vizier of the Moghul empire, under the seal, and with the expressed approbation of the Emperor*; that it placed under the *protection* of the English government a *province of the Moghul empire*, of which Sujah-ud-Dowlah was the *chief magistrate*, and that for *the expense of such protection*, he *bound himself to pay*; and that in making a fruitless attempt to establish an independant authority, Sujah-ud-Dowlah had been subdued by the English, who, on his entire submission to them, restored him to

* See this Treaty, or Convention, in the Appendix to Mr. Verelst's View of the Rise and Progress of the English Government in Bengal before referred to: and see also, in page 53 of that able and valuable work, the Author's elucidation of the Principles on which that Treaty was concluded.

his original situation of governor of Oude, under the influence of that paramount political ascendancy which they had acquired, both by their conquest of that province, and by the general fame of their arms.

Yet, in the charge against Lord Wellesley, this *very same treaty* is gravely referred to, as affording "the *fullest proof*, in its *form*," " *language*, and *tenor*, that Sujah-ud-Dowlah was the *sovereign* of a state perfectly "independant !!!" That is, in "*its form*," he is designated as *Chief Minister of the Moghul Empire*; in "*its language and tenor*," he agreed to *receive* from the English, the territory of Oude, to be governed by him, but to be PROTECTED BY THEM, AT HIS EXCLUSIVE CHARGE. So that these are the circumstances, thus *happily* adduced to prove, the PERFECT INDEPENDANCE of a Sovereign State !

The writers on the Law of Nations, to be

sure, inform us, that a state which *submits* to a *superior power*, and *consents to place* its PRESERVATION on the PROTECTION which that power stipulates to afford it, *becomes subject* to its PROTECTION; and is, therefore, no longer independant.* And it must be obvious to the common sense of every one, that he who is *maintained by the support of another*, is the DEPENDANT of the person by whom *that support is given*.

But such considerations as these had no concern in the composition of this charge, the allegations of which could only be sustained by a gross perversion of the language, as well as of the spirit of history; and in which, therefore, it was essential to assert, that Oude was an *Independant Sovereignty*.

* *Vide Vattel, sur le Droit des Gens.—p. 95.*

The Province of Oude, indeed, had never been in a state of independance, since it was first subdued by the Mohammedan conquerors of Hindûstan. From that period of time until its conquest by the English, it continued a province of the Mussulman empire. After the establishment of the Moghul dynasty in that empire, and the consequent introduction of the Moghul institutions, the territory of Oude formed one of those grand divisions of Hindûstan, which was called Sûbahs. Over the revenues of those Sûbahs, the Sûbahdars by whom they were governed had no authority whatever. The civil, judicial, and military authorities were entrusted to them; but the revenue department was *wholly* committed to the management of an officer, called the diwân, whose office was *completely distinct* from that of the Sûbahdar, and who was accountable only to the Vizier of the empire. In the decline and weakness of the Moghul power, many of the

Subahdars assumed the diwānnee, or the revenues of their respective Sûbahs, and some of them altogether cast off the authority of their sovereign. In Oude, the predecessors of Sufdar Jung had never deviated in any manner from the strict line of their duty, nor had they ever violated the obligations of their public trust. But that officer, availing himself of his authority, as Vizier, and of the decisive influence which at one period he possessed at court, appropriated to himself the revenues of his subahdarry, out of which he remitted an annual tribute to the royal treasury at Delhi; and the payment of this tribute was continued by his son Sujah-ud-Dowlah, until the Emperor had placed himself under the protection of the English. This appropriation was made with the tacit concurrence of the Emperor; though it never received the sanction of a royal grant, either in *Altûmgha* or

in *Jagheer*,* which, according to the Moghul constitution, could alone have rendered it legal. Those Nabobs, however, made not any farther encroachment on the rights of their sovereign ; but partly from the contiguity of their government to the seat of the supreme power, and partly from the circumstance of their holding the highest office in the empire, they were induced to adhere to their allegiance. Hence it appears, that the only decisive and open attempt which any of the Nabobs of Oude had ever made to establish an INDEPENDANT State, was the war in which Sujah-ud-Dowlah engaged against the English, in direct opposition to the commands of the emperor ;—and the result of that war was, the transfer to the English of that DEPENDANCE on the court

* An *Altumgha* is a free gift of a certain portion of the revenues in *perpetuity* ; a *Jagheer* is an assignment of a portion of the revenues *during life*.

of Delhi, by which his authority had been upheld, and from which all his dignities were derived.

Such then was the origin of the connection between the British government and the Nabob of Oude ; which, whether he be considered as an officer of the Moghul empire, or as the chief of a province which had been conquered by our arms, and was placed under our protection, equally sealed his subjection to our power.

The political supremacy which we had thus established over the province of Oude, was strengthened and confirmed by subsequent transactions and compacts. In 1773, a fresh arrangement was concluded with Sujah-ud-Dowlah, by which it was agreed, that an English brigade should be *permanently stationed* in Oude, and that the subsidy.

for the service of that brigade should be fixed at the rate of £25,000 sterling, a month.

Soon after the conclusion of this agreement, Oude was menaced by a most formidable invasion of the Mahrattas, who, under the command of Mahagee Scindeah, and Holkar, had actually penetrated into its western frontier, and carried their devastations into the neighbouring province of Rohilcund. But the English troops, to whom the defence of Oude was entrusted, attacked and repulsed them with considerable loss, and finally compelled them to abandon their meditated scheme of reducing these countries to subjection. On this occasion the English government, and the Nabob Vizier, had made an engagement with Hafiz Rahmut, the Rohilla chief, whereby he stipulated to pay forty lacs of rupees towards the expenses of this war against the invaders of

his country. But either from disinclination or inability, the fulfilment of this stipulation was delayed ; and this circumstance, together with some indications of an hostile disposition towards the Vizier, which the Rohilla chief was alleged to have manifested, formed the ostensible grounds of that well-known Rohilla war, which took place in 1774, and which terminated in the *conquest of Rohilcund by the English, and in their placing* the whole of that fertile and populous province *under the government of Oude*, excepting a few districts, which were bestowed in Jagheer on Fizûla Khan, a justly-celebrated chief, who submitted to their arms.

Upon the death of Sujah-ud-Dowlah in the following year, the investiture of the Vizierut, and of the Subahdarry of Oude, was obtained for his son, Assof-ud-Dowlah, from the court of Delhi, *through the direct influence of the English government.* And,

at the same time, a fresh treaty was concluded with the new Nabob Vizier, by which the force for the *Protection of Oude* was considerably augmented, and the sum of thirty-one thousand pounds, per month, allotted for its expense.

This force, however, was in a few years found inadequate, not only to the external *defence* of the country, but to the *preservation* of its *internal tranquillity*. It was, therefore, found necessary to strengthen it in the first instance, by a temporary brigade, and afterwards, in 1781, by a *permanent augmentation*, for which the Nabob was charged with an increase of £2,500 a month to the subsidy.

The great irregularity, however, with which this subsidy was paid, and the accumulating arrears into which it had thereby fallen, demonstrated the necessity of

making a new arrangement with the Vizier, by which the nature of his connection with the Company should be clearly defined, and the subsidy fixed at a more regular standard. With this view, the Court of Directors instructed the Governor-general in Council, in Bengal, in the early part of Lord Cornwallis's administration, to adopt immediate and decisive measures, for effecting a reformation in the state of our relations with Oude. In those instructions they observe "one thing is clear; *the defence of Oude must be provided for*. If, therefore, the Cawnpore brigade be not equal to such defence, either the Vizier's troops must be reformed, so as to make them serviceable, or another detachment of the Company's troops must be stationed in the country; the additional expense of which he may be able to defray, by reducing his own useless troops. This we recommend to your most serious consideration; *always bearing in, your*

*“ mind, that, from the nature of our connection
 “ with the Nabob of Oude, we consider the
 “ prosperity of that country as inseparable
 “ from the prosperity of our own provinces.”**

In the spirit of these instructions, Lord Cornwallis concluded a new compact with the Vizier, in which it was stipulated, “ That he should pay up the arrears of subsidy then due; that the subsidy should thenceforward be fixed at the annual sum of £ 500,000, to be paid with strict punctuality, by monthly instalments; that, should it at any time be necessary to station any additional troops in Oude, the expense of such troops should be defrayed by the Vizier; that a resident, that is, a confidential

* Extract of a Letter from the Court of Directors to the Governor-general in Council at Bengal, 31st July, 1787.—Vide East India Papers relative to Oude, printed for the House of Commons.

officer of the British government, should constantly reside with the Vizier, for the express purpose of advising him in all matters of importance, but in effect, in order to guide and control the political affairs of his government in all its external relations ; that the *expenses attending the establishment* of the British Resident *should be borne by the Vizier* ; and, finally, that the British government should not interfere in the *internal details* of the Vizier's government, except by way of *advice and remonstrance*."

The nature of this last stipulation Lord Cornwallis has himself explained, in a minute which he recorded on this occasion. In that minute he declares, " that by a non-
 " interference in the *details* of the Vizier's
 " government, he did not mean to *preclude*
 " *himself, or the Company, from making*
 " *representations to the Vizier on the subject*."

“ of his administration, whenever it may be
 “ essentially necessary, or of proposing to
 “ him any general arrangement of impor-
 “ tance to the interests of both govern-
 “ ments.” He adds, “ that the board
 “ would see the necessity of giving their
 “ countenance to Hyder Beg Khan, or
 “ whoever might be the acting minister of
 “ the Vizier. At present he possesses the en-
 “ tire confidence of his master, who is anxious
 “ to procure for his minister the avowed
 “ PROTECTION of the English government.*

“ I assured Hyder Beg Khan,” continues
 his Lordship, “ that he might depend on the
 “ support of the English government, whilst
 “ he served the Vizier with fidelity, go-
 “ verned the country with justice, and

* See copy of a minute from the Right Honourable
 the Governor-general in Council, recorded in consulta-
 tion, April 20th, 1787.

“ strictly adhered to the engagements formed with the Company.”

Upon the death of this minister, the Nabob made an arrangement for the appointment of a successor; but it was only acted upon as a *temporary measure*, in the absence of Lord Cornwallis, who was at that period of time with the army in Mysore, and whose SANCTION was considered as *indispensably necessary to its CONFIRMATION*.* In one of his Lordship's dispatches to the Court of Directors on that occasion, he expresses himself in the following terms: “ Although Hassein Reza (the new minister) does not possess all the qualifications THAT I COULD WISH for a minister, yet, AS

* See a Letter from the Governor-general in Council at Bengal, to the Court of Directors, 3d Sept. 1792, No. 2, of Papers before the House of Commons, relative to the Oude Charge, &c.

I HAVE an exceeding *good opinion* both of his principles, and of his disposition to promote cordiality between his master and the Company, *I did not see that a better choice could be made*; and ACCORDINGLY I SIGNIFIED TO THE VIZIER MY ENTIRE APPROBATION OF THEIR (that is Hassein Reza, and Teket Rai, the two new ministers) BEING PERMANENTLY APPOINTED.”*

When the appointment of these ministers was thus CONFIRMED, by the APPROBATION of the Governor-general of the British dominions, *he addressed to these ministers a letter of instructions, for the guidance of their conduct, in the execution of their official functions.* In that letter he informs these ministers, “that he had written his sentiments very fully to the Vizier, on the

* A Letter to the Court of Directors, of the 26th August, 1792.—See India Papers, No. 2, *ibid. supra*.

necessity of effecting an *immediate reformation in the domestic affairs of his government.*" "I refer you," says his Lordship, "to my letter to the Vizier; and I DESIRE *that you will urge such arguments in support of it, as shall appear to you most conducive to the accomplishment of MY WISHES, which have his prosperity for their object.*"— * * * "From you I EXPECT every necessary exertion in such matters, RESPONSIBLE as you are to BOTH GOVERNMENTS for restoring the country to a flourishing state."*

By this practical illustration of that clause in the treaty of 1787, which stipulates, that the Company shall not interfere in the *interior details* of the Nabob's go-

* See Lord Cornwallis's Letter to Hasein Reza Khan, and Rajah Tejet Rai, 29th Jan. 1793. — *Oriss Papers*, No. 2, p. 10.

vernment, except by way of advice and remonstrance,—it appears, that Lord Cornwallis did not consider that stipulation as debarring the British government from the exercise of a *decisive control*, not only in the appointment of the Nabob's ministers, but also in the regulation of their conduct. Neither did that stipulation prevent his Lordship from addressing a letter to the Nabob, containing a plan for reforming the system of *domestic administration in Oude*; urged, to be sure, in the language of a strenuous recommendation, but at the same time in the spirit of a conscious authority, and in the tone of a man who evidently feels his right to expect, that his advice shall be complied with. After pointing out to the Nabob the ruinous system which he pursued in the collection of the revenues, Lord Cornwallis expresses himself in these words; “ Though the Company's subsidy
“ is at present paid up with regularity, yet

“ I cannot risk my reputation, nor neglect
 “ my duty, by remaining a silent spectator of
 “ evils, which will in the end, and perhaps
 “ that end is not very remote, render abor-
 “ tive even your Excellency’s earnest desire,
 “ that the subsidy should be punctually
 “ paid.” * * * * “ Your Excellency must
 “ be aware, that such is our close connec-
 “ tion, that every chief in India must con-
 “ sider the two states as forming one power;
 “ and you have so uniformly adhered to
 “ that connection, that hitherto no political
 “ transaction has been concerted, but with
 “ the advice of each other; and as the
 “ Company have expressed THEIR APPRO-
 “ BATION of the choice which you have
 “ made of Hassein Reza Khan, and Rajah
 “ Teket Rai, I shall naturally consider the
 “ political measures of your government to
 “ be dependant on them, as well as the
 “ domestic.” *

* Lord Cornwallis’s letter to Assof-ud-Dowlah, the
 Nabob of Oude, 29th Jan. 1793. *Oude Papers*, No. 2,
 p. 12, 13.

For the execution of this plan of reform in the internal affairs of Oude, Lord Cornwallis informed the Nabob's ministers, that he held them "*responsible to the British government,*" as well as to that of the Nabob; and he therefore *desired* them to make "*every necessary exertion*" to expedite and accomplish it.

If any political control more decisive than this, or if any case in which the authority of a paramount state over its vassal, was more clearly exercised, can any where be found in the history of nations, it is in the transactions of the succeeding administration of Lord Teignmouth.

That administration commenced its correspondence with the government of Oude, by urging the Nabob, "in the strongest language of remonstrance,"* to carry into

* *Oude Papers*, No. 2. p. 23, 25.

immediate execution that plan of reform in the domestic affairs of the country, which Lord Cornwallis had framed, and so emphatically had enjoined him to adopt. But some memorable circumstances which afterwards occurred, rendered it necessary for Lord Teignmouth to put in actual force that right of supremacy over the state of Oude, which the British government derived from the principle of its original connection with it, and which had been so repeatedly and unequivocally declared, both by that government, and by the constituted authorities in England.

On the death of Fizrâ Khan, in August 1794, the jagheer which had been granted to him, at the conclusion of the Rohilla war in 1774, reverted to the Vizier; and, according to the general practice of the Moghul constitution in such cases, it was bestowed on his eldest son, Mohammed

Alh. But that chief was unpopular with his tribe, who were attached to his younger brother, Gholaum Mohammed, partly from his having been the favourite of his father, and partly from his possessing much of that warlike spirit which animates and distinguishes their national character. Actuated by this feeling of partiality, and little regarding legal forms, the Rohilla peasantry beheld, with a mortified dislike, the elevation of the elder brother. Taking advantage of this feeling in the people, and stimulated by that ruling and ungovernable passion for power which predominates in the Mussulman character, Gholaum Mohammed determined to raise himself to the government of the Jagheerdarry, by putting his brother to death; which atrocious act he accordingly perpetrated. In order, however, to secure his establishment, he sent a considerable *muzzdranah*, or present, to the Vizier, with promises of an increased peishcush, or

tribute, if the Jagheerdarry were granted to him in *perpetuity*. Tempted by this offer, and utterly indifferent to the horrible crime of which the person who made it had been guilty, the Vizier manifested the strongest desire to comply with his wishes: but, *knowing that he could not do so without the sanction of the British government*, he laid before the Governor-general in council, through the English resident at Lucknow, a full account of the whole transaction in Rohilcund.

Contrary to the detestable avarice of the Vizier's wishes, the Governor-general in council at once resolved to dispossess the murderer: and the Commander in Chief, Sir Robert Abercrombie, who was then in Oude, was instructed to inform the Vizier, in explicit and distinct terms, *that the British government WERE DETERMINED to remove Gholaum Mohammed, and that the Jagheer*

must be *conferred on the infant son of Mohammed Ali.*

To this decision the Vizier was obliged to submit; but he did so with a marked and positive reluctance: so that you here see the British government exercised over him *a paramount and completely absolute authority, even in the disposal of one of his own Jagheers.*

In enforcing the resolution of the British government, the Vizier manifested his dissatisfaction, by withholding that active assistance which it was his duty to exert. The determined resistance of Gholaum Mohammed rendered it necessary for the British army to march against him: but the Vizier, instead of accompanying its march with his provincial troops, and of furnishing the requisite supplies, according to the obligation of his *covenant*, kept at the distance

of an hundred miles in the rear, *and afforded no aid whatever*, until the Rohillas, who had assembled in great numbers, and who fought with a desperate courage, had sustained a total defeat.

After these transactions, the Vizier evinced, if possible, a still greater indifference than before, to the advice and remonstrances of the British government, relative to the reformation of his internal administration. And such was the ruinous and miserable condition to which the country was reduced, and such the imminent dangers to which the neighbouring provinces of the Company were consequently exposed, by the continuance of that pestilent misrule from which these evils sprung, that the Governor-general proceeded to Lucknow in 1797, for the avowed purpose of endeavouring to effect, by "personal remonstrance and the influence

of his public station,"* that reform which had so often been recommended in vain.

That important object, however, was not to be attained by these means. The stubborn profligacy of the Vizier rendered all the Governor-general's *admonitions* and *remonstrances* entirely fruitless. "He seemed "insensible of the real value of character; and regardless of the prosperity of his country."† The Governor-general, therefore, determined to provide in some measure against the dangers of that anarchy, which the inherent vices of the Oude government inevitably tended to produce, and which the Vizier's own mischievous proceedings were fast accelerating. He accordingly augmented the

* See Sir John Shore's (now Lord Teignmouth) Letter to the Vice President in Council at Bengal, 21st March, 1797. *Oude Papers*, No. 11 in No. 2.

† Ibid. *supra*.

British force in Oude, with two regiments, and called upon the Vizier for an *addition* of £72,000 to the annual subsidy.

Towards the end of 1797, Assof-ud-Dowlah died, and was succeeded in his government by his reputed and *acknowledged* son Vizier Alli. This succession was sanctioned by the principles of the Mohammedan law, as well as by the practice of the Moghul constitution; and it was *approved of and confirmed* by the British government, *in so decided a manner, that it was considered throughout Hindustan as their act.**

In the course, however, of a few months after the elevation of Vizier Alli, the Go-

* "In the *opinion of all*," says Sir John Shore. "Vizier Alli's elevation was considered *as an act of the English Government*; and it is certain, that without *their acknowledgment and support*, he could not have maintained his situation." See Sir John Shore's Minute in Council, 13th Jan. 1798. *Oude Papers*, No. 1.

vernor-general discovered, that, on account of the spurious origin of the young Nabob, his succession to the government was generally considered as an act of injustice to the lineal heirs of the house of Sujah-ud-Dowlah; that it was, therefore, highly repugnant to the feelings of all persons of any weight or respectability in Oude; and that, ABOVE ALL, Vizier Alli had shewn indications of a decided hostility to the English interests, and to that supremacy over Oude which the English had acquired by their arms, and thought it essential to their security to maintain. These circumstances induced the Governor-general to repair again to Lucknow; where he instituted an inquiry respecting the birth and parentage of Vizier Alli; and after a minute and elaborate investigation, ascertained, that he was not the son of ~~the~~ late Nabob, but a person of mean birth, whom he had chosen to adopt for the purpose of excluding his brother, Sâadut Alli, from the succession.

In the progress of this inquiry, abundant evidence was likewise obtained, of the disaffection of Vizier Alli, of the impatience with which he bore the control of the British government, of the secret preparations which he was making to resist its authority, and of the unappeasable antipathy which he nourished against the English name.

These facts constitute the grounds on which Lord Teignmouth felt himself justified in exercising the highest degree of authority, which a paramount power can enforce over a vassal state, namely, *that of DEPOSING its chief magistrate, and of appointing another in his place.* The right on which that authority, in this case, rested, his lordship asserts in the clearest and strongest terms. "The government of Oude," says he; "in the opinion of the natives of the country, as well as externally, is considered a *dependancy upon the English, whatever its re-*

" lation under treaties may be. Scindiah *
 " referred the investiture of Vizier Alli by
 " his majesty (*that is by the Moghul emperor*)
 " to the Governor-general; and there are many
 " respectable families (*meaning native fa-*
 " *milies*) in Lucknow, who live under the
 " protection of British influence. IN THE
 " OPINION OF THE NATIVES OF INDIA, OUDE
 " IS HELD AS A GIFT FROM THE COMPANY TO
 " SUJAH-UD-DOWLAH, AND AS A DEPENDANT
 " FIEF." His Lordship farther observes,
 " we are so implicated in our connection with

* Scindiah, at this period of time, held in his charge the
 capital of the Moghul empire, and the person of the em-
 peror, whom he had rescued from the domination of the
 traitor, Gholaum Khader. In return for this service, Scin-
 diah had induced the emperor to constitute the Peishwa,
 his *Vakeel ul-Mutluk*, or *regent of the empire*, and to appoint
 himself the *Naib*, or *Deputy of the Regent*. So that Scindiah,
 the *Mahratta Chief*, was thereby the *legal organ*, as well as
 the *actual and uncontrolled director*, of all the public acts of the
 still nominal authority of the Moghul Sceptre,

“ *Oude*, that we *cannot withdraw from it*;
 “ and we are *so situated in it*, that without a
 “ DECISIVE INFLUENCE IN ITS ADMINISTRATION,
 “ WE CANNOT HAVE ANY SECURITY.
 “ The *consequences* of such a situation *might*
 “ *be fatal*, if the government of the country
 “ were secretly hostile to us; and such, in
 “ my judgment, would be the situation of
 “ the Company, under the administration
 “ of Vizier Alli.”*

Considering that the British government
 possessed the *undoubted and universally-ac-*
knowledge right of sovereignty over the state
 of Oude, and considering that the *territory* of
 Oude *was not*, and *never had been*, the *prop-*
erty of any of its Nabobs, who only held
 the office of chief magistrate of that pro-

* See Sir John Shore's (now Lord Teignmouth) Minute
 in Council, 13th Jan. 1798, *before referred to.—Oude*
Papers, &c. &c.

vince, both under the Moghul constitution, and the English supremacy,—it appeared to the Governor-general to follow, as a necessary consequence, that the British government had an *unquestionable right to dismiss the Nabob from his office*, when the internal welfare of so important a *dependancy*, the stability of our *supremacy* over it, and the political interests of our Indian empire at large, would have been endangered by his continuance in it. The Governor-general therefore, determined to enforce the *right of deposition*. Vizier Alli was accordingly *displaced*; and Saâdut Alli, the present Nabob, *invested* in the government of Oude.

With respect to the person *thus placed by the British government* in the *important office of first magistrate of Oude*, it is observed by Lord Teignmouth, “ that *every argument of a political nature* was in *his favour*; and that *these arguments* may be

comprised in this reflection"—“ THAT HIS
 “ WHOLE DEPENDANCE AND SUPPORT ARE
 “ ON THE ENGLISH COMPANY.”*

Thus the Nabob Saâdut Alli was raised to the government of Oude, by the Company, upon the *express principle* of a *complete and absolute dependance* on their authority; and, as *dependance* necessarily implies *obedience*, he, by consequence, received it, upon the *understood condition* of his *implicit compliance* with *their instructions*, in all matters relating to the affairs of his government, and to that *radical reform*, in its *domestic administration*, which his predecessors had so often, and so earnestly been recommended to effect. Nor is this condition in any manner weakened, or remitted, though it be partially modified by some of

* Lord Teignmouth's minute, 13th January, 1798, before referred to.

the stipulations of the treaty, which, on this occasion, Lord Teignmouth framed, and concluded between the Company and the Nabob.

By this treaty it was, among other things, stipulated,—“ *First*, that the English Company, having made a large augmentation to their military establishment in Oude, the Nabob agreed, in addition to the annual subsidy, before paid, to pay in *perpetuity* the further sum of nineteen lacs, twenty-two thousand three-hundred and sixty-two rupees, making together the sum of *seventy-six lacs of rupees*, or, in pounds sterling, 912,000*l.* and this sum to be *punctually* paid, month by month, as it became due;—*Second*, that the English forces, maintained in Oude for its defence, should never consist of *less* than 10,000 men,—and if at *any time* it should *become necessary* to *augment* the *English troops* in Oude, *beyond* the

number of 13,000 men, the Nabob agreed to pay the actual difference occasioned by the excess above that number ;—*Third*, that the *exclusive* possession of the fortress of Allahabad, should be made over to the Company, together with a sum of money sufficient for improving the fortifications ;—*Fourth*, that, as the payment of the Company's troops depends on the regular discharge of the subsidy, the Nabob engaged to exert his utmost endeavours to discharge the stipulated monthly payments with *punctuality* ; but if, contrary to his sincere intentions and exertions, these payments should fall into arrear, the Nabob *engaged and promised* to *give* such SECURITY to the Company, for the discharge of the existing arrears, and the *future regular payments*, as *should be deemed* SATISFACTORY ;—*Fifth*, that as by the engagements thus entered into between the Company and the Nabob, the amount of the subsidy was considerably

increased, and many other permanent charges upon his Excellency were incurred,—on a comparison of his disbursements with the assets of the country, it *became necessary* to make *such reductions* in the superfluous charges of the *public establishments*, &c. &c. as might be requisite, or as were consistent with the maintainance of the Nabob's dignity; and the Nabob agreed to *consult* with the English governments, and in *concert with them*, to devise the *proper objects* of such reductions, and the *best means* of *effecting them*;—*Sixth*, that as the *political interests* of the Company and the Nabob WERE THE SAME, it was agreed, that *all correspondence* between the Nabob and any foreign power *should be carried on with the knowledge and concurrence of the Company*; and the Nabob agreed, that *no correspondence, contrary to the tenor of this article*, should be carried on by him;—*Seventh*, that the Nabob *should not entertain any European*

of any description, in his service, nor allow any to settle in the country, without the consent of the Company;—and eighth, that the Nabob should possess full authority over his household affairs, his hereditary dominions, his troops, and his subjects.”

These stipulations confirm and ratify the principle on which Saâdut Alli was placed by the English, at the head of the government of Oude. They established the entire *political dependance* of the Nabob on the Company, by *positively restricting* him from holding *any correspondence with any foreign power, without their consent* : they place the *military power* of the state *altogether* under the authority of the Company, by authorizing them to augment, at *their discretion*, the forces permanently stationed for its protection, to an *indefinite amount* ; and by *binding* the Nabob to defray the additional charges of such augmentation, they recog-

nize the necessity of *reforming* the system of civil administration in Oude, by binding the Nabob to *act in concert* with the British government, in *effecting a reduction* of the public establishments, in order that the revenues of the state might be improved, and thereby rendered adequate to the increased charges of subsidy: and they leave the administration of the *internal government*, as it was before, under the authority of the Nabob.

Such, evidently, is the spirit and sense of the treaty which Lord Teignmouth concluded with Saâdut Alli. But the accusers of Lord Wellesley have laid great stress on the *last clause*, upon the presumption that it vested a degree of authority in the Nabob, which precluded the interference, and rendered him independant of the controul of the British government, in regard "to his household affairs, his dominions, his troops,

and his subjects." The real meaning, however, of *this clause* clearly is, that the Nabob should possess full authority over his *household, his troops, and the dominions and people of Oude, so far as regarded the customary administration of his domestic government.*

This degree of authority necessarily belonged to the Nabob, as first magistrate of the country; but it in no manner contravened, or invalidated that paramount controlling power of the Company over him, *in all matters of importance*, to which his predecessors had been invariably subject, to which *he himself owed his elevation*, and which was ratified by all the other stipulations, as well as by the general spirit and tenor of the treaty in question. The *literal* signification of the *words*,—"he shall have full authority over his *hereditary dominions and subjects*"—is equally re-

pugnant to the truth of history, and to the nature of our relations with the state of Oude: for I have shewn that none of Saâdut-Alli's family ever possessed any *dominions at all*; that their authority over Oude originated in their being governors of that province under the Moghul emperor to whom it belonged; and, that after its conquest by the English, they were continued in it, as the *political vassals* of our government.

But even if the *literal* signification of those words had been historically true, it would nevertheless have been wholly inadmissible in the interpretation of this treaty; because it is irreconcilable with its other clauses, as well as with its general spirit, and with the principle on which it was framed. In such a case, we are bound to interpret the *adverse clause* in a sense which shall be consonant to the other parts

of the treaty. We must consider the whole treaty together, in order perfectly to understand the true sense of any particular clause; and we must give to each expression, not so much the signification of which it individually admits, as that which it ought to have from the context and spirit of the treaty. Upon this maxim of natural reason, which is laid down in the Roman law,* and which is observed in all laws, in the interpretation of covenants, I have explained the meaning of the clause in question, upon which the accusers of Lord Wellesley had fastened, if not with the dexterity of sophistry, at least with the eagerness of a conscious weakness.

This treaty, together with the principle on which it was framed, and the right of dé-

* Incivile est, nisi cotà lege perspecta, una aliqua particulâ ejus proposita, judicare, vel respondere,—*Vide Digest. lib. i, tit. iii, de legibus, l. 24.*

position which *it established, was finally ratified by the Court of Directors, who expressed their approbation of it in terms of the most unqualified applause. “ After an attentive perusal,” they observe, “ of the “ several minutes and letters of the late “ Governor-general, which contain a most “ able, elaborate, and impartial detail of “ all the circumstances which led to a *de-* “ *cision*, by which *Vixier Alli was deposed*, “ and *Saddut Alli placed upon the musnud*, “ *we have not the least hesitation in pro-* “ *nouncing*, that, in *that decision*, the just “ right of inheritance has been supported, “ and the *honour*, the *reputation*, and the “ *justice* of the Company’s government “ *fully maintained.*”*

* Extract of a general Letter to Bengal, in as far as regards Sir John Shore’s conduct in the arrangements for Oude, dated 15th May, 1796.—*Oude Papers*, No. 3 in No. 1.

From the brief historical account which I have thus given you of the family of the Nabob of Oude, and of the origin, the progress, the nature, and the spirit of our connection with that state, you will, I conceive, be fully satisfied, that the assumption on which the charge proceeds, of the *Nabob Vizier being the sovereign of a state perfectly independant*, is totally and completely unfounded. But, on the contrary, you will agree, from the extent and variety of the evidence which has been adduced, that the following facts, essential to the main question at issue, are fully substantiated.

First. Neither Saâdut-Alli, the present Nabob of Oude, nor any of his family ever possessed, or had the smallest pretensions to, either the title or dignity of a prince, or the sovereignty of Oude.

Second. Oude was a subah, or province,

of the Moghul empire, which, according to the constitution of that empire, was governed by an officer called a Subahdar, who also possessed the title of Nabob.

Third. The ancestor, the grandfather, and the father of the present Nabob of Oude, were Subahdars, or governors of that province, appointed by their sovereign, the Moghul Emperor, whom they represented, and from whom they derived all their authority and power.

Fourth. In addition to the office of governor of Oude, the grandfather and father of the present Nabob, filled the high office of Vizier, or first minister of the Moghul empire.

Fifth. Though those officers, taking advantage of the vast authority with which they were invested, and of the weakness to

which the power of their master was then reduced, had appropriated to themselves the revenues of Oude, from which they paid only an annual tribute to the royal treasury, yet neither of them ever attempted to cast-off his dependance on his sovereign, until, in the year 1763, Sujah-ud-Dowlah formed the scheme of driving the English from Hindûstan, and in execution of that scheme waged war against them, in direct opposition to the positive orders of the Emperor.

Sixth. The result of that war was the ENTIRE CONQUEST OF OUDE BY THE ENGLISH, and the SURRENDER OF SUJAH-UD-DOWLAH; WHO THREW HIMSELF ON THEIR MERCY.

Seventh. The English having thereby acquired the unquestionable right of disposing of Oude in any manner they thought most conducive to their own interests, re-

stored Sujah-ud-Dowlah to the government of that province, under the stipulations of a compact, made with the concurrence, and executed under the seal of the Moghul Emperor.

Eighth. By virtue of that compact the province of Oude was placed *under the entire protection* of the English, and the Nabob was *bound to defray the expenses* of such protection: so that, in effect, the Nabob was thereby made *completely dependant* on the *military power*, and *subject* to the *political authority* of the English.

Ninth. By several subsequent covenants, and by various other transactions, between the English and the Nabob, their authority over him was PROGRESSIVELY INCREASED; in so much " THAT THROUGHOUT ALL INDIA " the English dominions, and the province of Oude, " WERE CONSIDERED AS FORMING " ONE STATE," and that, in the opinion of

the *inhabitants of Oude themselves*, as well as of *all* the other natives of Hindûstan, that province was considered as a “*DE-PENDANT FIEF*” of the English government.

Tenth. That such likewise was the opinion of Marquis Cornwallis, of Lord Teignmouth, of the Court of Directors, and of the Board of Control, *all* of whom thought that the exercise of a *decisive authority* over Oude, by the English government, was *absolutely essential*, not only to the *internal prosperity* of that province, but to the *security* of our own dominions in Hindûstan.

Eleventh. On this principle, Marquis Cornwallis thought himself justified in exercising a *direct and positive control* over the government of Oude, not only in its political and military relations, but also in

its civil affairs, by making *his approbation indispensable* in the choice, and *his sanction necessary* in the appointment of its public ministers; by *instructing* those ministers in the *duties* of their *official functions*; by recommending to the Nabob, and to them, in the *spirit of authority*, a plan of reform for the domestic government of the country; and by *informing* the *ministers*, that *they were* RESPONSIBLE to the ENGLISH GOVERNMENT for RESTORING OUDE to a FLOURISHING STATE.

Twelfth. Lord Teignmouth pursued the same mode of control over the conduct of the Nabob's ministers, and remonstrated with the Nabob himself, in the strongest terms, on the growing evils inherent in the system of his domestic government, and on the necessity of his reforming it according to the plan which Marquis Cornwallis had so strenuously recommended:—And, on

two memorable occasions, Lord Teignmouth found it necessary to put in *actual force* the *paramount* AUTHORITY of the English over the government of Oude ;—1st. by *disposing* of the Rohilla Jagheer, *contrary to the wishes* of the Nabob :—2d. by DEPOSING Vizier Alli, the *acknowledged son* and *presumptive heir* of Assof-ud-Dowlah, after the English government had publicly sanctioned his elevation to the Nabobship, and by PLACING SAADUT ALLI IN THAT STATION.

Thirteenth. Lord Teignmouth concluded a treaty with Saâdut Alli, whom *he had thus raised to the Nabobship*, whereby that *entire political and military power*, which the English had *always exercised* over this their “DEPENDANT FIEF,” was fully RATIFIED by *positive and express stipulations* ; whereby the Nabob was *bound to pay* to the *English government*, out of the *revenues of Oude*, the annual sum of *nine hundred and*

twelve thousand pounds, in order to support the expense of that paramount power, which was thus definitively established; and whereby he was moreover bound to defray the expense of any augmentation to the military establishment in Oude, which the English government might hereafter think it necessary to make.

These facts prove incontestibly, the complete paramount power and authority possessed by the English government over the province of Oude, and the *progressive increase* of that power and authority from the origin of their connection with it, up to the conclusion of the treaty of 1798. Hence then, Oude was a "DEPENDANT FIEF," and, by necessary consequence, the Nabob was a VASSAL of the English government.

I shall now proceed to shew you, 1st. That *such* being the *real nature of the re-*

lation between the English government and the Nabob of Oude, the right of paramount authority over him, which Lord Wellesley enforced, is founded on the established principles of universal justice. 2d. That there had existed, for a long period of time, a *general necessity* for exercising this right, in order to effect a radical reformation in the internal government of the country. And, 3d. That, superadded to this *general necessity*, there was, at the commencement of Lord Wellesley's administration, a *particular political necessity*, which rendered the *immediate* exercise of this right indispensable to the security of the British dominions in Hindûstan.

First. The accusers of Lord Wellesley contend, that whatever virtual rights the Company may have possessed over the government of Oude, from the general nature and spirit of their connection with it, yet,

under the stipulations of the treaty of 1798, no rights could be justly exercised, except such as those stipulations *expressly* authorized; and as those stipulations did not sanction the right of *coercive interference* in the internal affairs of that province, the exercise of it on our part, was a violation of our covenant with the Nabob.—But these profound logicians have overlooked this important consideration, that there are certain rights inherent in the civil constitution of mankind, which, unless covenants *expressly restrain*, they are *always understood to recognize*. Every man has a right to demand reparation for an injury which his interests are sustaining, through the misconduct, or negligence of any person with whom he may have contracted an engagement in which those interests are essentially involved. And so far from his contract precluding him from *insisting* on adequate reparation, unless it expressly contains such

a power, it becomes *forfeited* by the party guilty of the *misconduct* or *negligence*, from the very circumstance of those interests having thereby suffered, which it was designed to protect.

This right is founded on the principle, that the protection of men's property and interests being essential to the existence of civil society, all *acts*, or *omissions*, by which they shall receive any material detriment, ought in justice to be punished. The sound wisdom and morality of this principle has rendered its equity and usefulness universally manifest. Combining in itself the idea of preserving the benefits of the labour, with that of inciting the active virtues of mankind, it has been adopted into all the most distinguished civil codes which have prevailed in the world. In the Roman law, in the feudal law of Europe, in the law of England, and in the Mohammedan

law, both as it is laid down in the writings of the Arabian lawyers, and as it was modified under the Moghul institutions, it forms a fundamental maxim of equity.*

* The authorities to which you may refer on this subject are almost innumerable; but you may conveniently consult, *Domat's abridgement of the Civil and Public Law*; *Wright, or Spelman, on Feudal Law and Tenures*—and *Hamilton's Translation of the Hédâya, or System of Mohammedan Law*. This code of Mohammedan Law, however, is only in part practised under the Mussulman governments of Hindûstan, where the celebrated system of ABU HANIFAH, modified in some particulars by Moghul institutions and customs, more generally prevails. Of the numerous commentaries on this system, nothing has been translated into any European language, except a short Tract on Inheritance, of which Sir William Jones has given an English version. But in all the different systems of Mussulman law, the principle which I have stated is clearly laid down, and a set of rules founded upon it, analogous to those of the laws of Europe.

As to our own laws, it is unnecessary to make any reference. You know that the principle is explained at

Accordingly, in those systems of jurisprudence, the rule of right which I have laid down, is applicable to all persons whatever. But between a *paramount* and his *vassal*, or a *landlord* and his *tenant*, there exists a right of a still stronger nature.

If a man receives from another, under a special contract, *during life*, the management and usufruct of any particular property in land, in which the granter retains a considerable *interest*, not only in its *reversion*, but in its *annual produce*, the tenant who enjoys the property shall be *accountable* to his landlord for the use which he shall make of it : and, if any material *waste* be committed, or *suffered*, in that property, either by any voluntary act, or by the *omission*

great length by Sir Edward Coke ; and the practical rules stated and elucidated by Blackstone, in the chapters on *Waste*, and on *Forfeiture*.

of any necessary duty, the tenant shall *forfeit both his contract and the land which he has thus wasted*; unless the contract contains a *specific clause* to exempt him from the penalty. Now, by *waste* is meant, not only that demolition in the temporary profits of the land, but the destruction of the land itself, by rendering it desolate and unproductive: so that in the eye of the law, no civil offence can be of a more heinous nature than that mismanagement, or negligence, from which such ruinous consequences inevitably flow.

Hence, in the laws of England, the statute directs, *that the tenant shall not only LOSE and FORFEIT the PLACE wherein the WASTE was committed, but also TREBLE DAMAGES.* And, according to the Mohammedan law, the possessor of an estate for life, is liable to the IMPRISONMENT OF HIS PERSON, *as well as to the FORFEITURE of that estate, if by*

his misconduct he injures the property committed to his trust.

The equity of this rule, therefore, will not be questioned by Englishmen, who see it practised every day in the courts of Westminster-hall; much less will it be objected to by the Mussulmans of India, who know it to have been promulgated by the Arabian legislators, and sanctioned by the most renowned of their Moghul princes, whose joint authority, in all legal affairs, they would account it sacrilege to impeach.

If then, the equity of these rules of civil wisdom be admitted, in dispensing justice to individuals in the common transactions of life, with how much greater force must it be felt, when applied to the affairs of nations; in which the interests and happiness of so many millions of men are concerned, and in which, therefore, the waste and deterio-

ration of property arising from negligence and misrule, must be productive of such extensive calamity.

A paramount state, therefore, which shall have committed to its vassal, during life, under the stipulations of a covenant, the domestic government of any province, over which it retains the *supreme political and military power*, together with a *large portion of its revenues for the support of that power*, possesses the *just right* to make that vassal *accountable* for the manner in which he shall administer its affairs. And if, through any *mismanagement, omission, or negligence* of the vassal, the province shall have suffered waste, the paramount state has a right to demand from him the restitution of the country, the government of which, together with his covenant, he has, by his misconduct, completely forfeited.

Hence, then, the British government possessed that just and indisputable right, not merely of *coercive interference* in the domestic affairs of its "DEPENDANT FIEF," (the province of Oude,) but also of compelling its VASSAL, (the Naïob,) to surrender back that province, which, according to the established rules of equity, sanctioned by *those laws which he is bound to obey*, as well as by those of every civilized nation, he had for ever *forfeited*, in consequence of his having, either through contumacy or *omission*, made no endeavour whatever to remedy that pernicious system of administration, which both he and his predecessors had been so often instructed to reform, which originally produced that deplorable waste, which his own peculiar misgovernment had so largely extended, and which was dilapidating the revenues, impoverishing the people, and fast reducing the country to a state of wretchedness, anarchy, and despair, calcu-

lated at once to invite the hostility of our enemies, and to render it a source of endless distress to ourselves.

Of the Nabob's misgovernment, of the *additional* calamities which it brought on the country, and of the consequent *general necessity* which there existed for the exercise of the right in question, the clearest and most irrefragable evidence shall now be adduced. *Second.*—It has been already stated, that the civil condition of Oude had, for a long period of time, exhibited a most afflicting picture of dilapidation and misrule; and that it had consequently been an object of increasing anxiety and uneasiness to the British government. This condition arose partly from the radical defects of the Nabob's system of government, and partly from the rapaciousness, corruption, and depravity, which prevailed in all its different departments, and which characterized the conduct

of its public officers. These abuses, which existed long before* the province became subject to the paramount authority of the English, must infallibly have soon produced a total dissolution of the Nabob's government, were it not for the partial subordination which that authority inspired : and though the policy which we pursued was ill adapted to arrest the rapid progress of such enormous evils, it undoubtedly saved the country from internal rebellion, as well as from foreign invasion.

In the administrations of Marquis Cornwallis and of Lord Teignmouth, our policy in regard to Oude was greatly improved ; the real nature of our connection with it was more clearly defined ; a firmer and more

* This fact is candidly stated by the native historian Gholaum Hassein Khan, in his *Scîr Mûtâkbarcen*, or *View of Modern Times*.

uniform tone of authority was observed in our correspondence with the Nabob; the military defence of the country was considerably strengthened; a plan for reforming its internal government was recommended; and the whole powers of persuasion and remonstrance, respecting the necessity of that plan being adopted, were completely exhausted. Still, however, the Nabob's government continued unreformed; the state of the country, by consequence, had become progressively worse; and Assof-ud Dowlah died, without having made the smallest attempt, or even indicated any sincere desire to make any reparation for the vices of his own profligate administration, and for the deep injury which the British interests had thereby sustained, by complying with the repeated recommendation which he had received, to remove the grievous evils of that oppressive system under which the people too severely suffered.

Under these circumstances, the British government would have been clearly and amply justified, according to the principles I have laid down, in dissolving the incorrigible government of this its "DEPENDANT FIEF," and in annexing the province to its other dominions in Hindûstan.

But Lord Teignmouth finally adopted the policy of placing Sâadut Alli in the Nabobship; as well from a respect which he thought due to the family of Sujah-ud-Dowlah, as from a hope that Sâadut Alli's known love of œconomy, and his sense of gratitude to the Company for his elevation, would induce him to carry into *immediate* execution, that reformation in the domestic government of Oude, in which his own prosperity, the interests of the Company, and the happiness of the people were equally concerned. Yet, though Sâadut Alli was raised to the government with this view, as well as upon

the *understood condition* of his reforming all its abuses, and under an express stipulation to *make reductions in the public establishments*, we find, at the end of two years after he had been in possession of the Nabobship, the different branches of his administration performing their functions precisely in the same corrupt and disorderly manner that they had done for twenty-four years before;*

* This fact is stated by the Nabob himself in the most explicit terms, in a letter to the Governor-general. "It must," says he, "be well known to your Lordship, that, for *these four and twenty years past, the administration of affairs in this country has been in a state of disorder.*"
—See *Oude Papers*, No. 3, p. 22.

In another letter to the Governor-general the Nabob apologizes for a delay in the payment of the *stipulated subsidy*, by urging, as a *cause* of that delay, "that the *organization of the Sirkar, (state) which had, for a long period of time, been very loose and confused, is now, in the last degree, ineffective and irregular.*"—*Oude Papers*, No. 3, p. 2.

*no retrenchments whatever made in any of his establishments, the revenues of Oude, by HIS OWN CONFESSION, DAILY DECLINING ;** an arrear of *four hundred and seventy-five thousand pounds* due to the British troops employed in its defence ; the Nabob's provincial troops in a state of mutiny from disaffection to his person, as well as from the want of actual subsistence ; the cultivators of the land groaning under the most merciless oppressions ; the people at large unprotected by any administration, either of criminal or civil justice ; and these primary sources of ruin, together with the numerous subor-

* The Nabob's own words are, "The *approaching failure of the resources* is to be ascribed to the *precarious realization of the revenues*, and to the DECLINING ASSETS of the country."—See Nabob's letter to Col. Scott, 17th Nov., 1800. *Oude Papers*, 3. See also his admission confirmed and elucidated, in the official dispatches of Col. Scott, the resident in Oude, to the Governor-general—*Oude Papers*, No. 3, *passim*.

ordinate evils naturally incident to them, conspiring to accelerate the civil destruction of the country.

The truth of this general description of Oude, under the government of Saadut Alli, is abundantly proved, both by the official documents, and by the minutes of oral evidence taken before the House of Commons, in *support* of the Oude charge. But as you, who have never seen the calamitous spectacle of a Mussulman government in India, can form no adequate notion of its monstrous corruptions, and cruel depravities, I shall fill up the picture with a delineation of its minuter parts.

An account of the mode in which the different departments of the government were administered, will at once furnish you with the real causes of the decay of the country, and convince you of the *necessity* either of

a radical reformation, or the entire abolition of a system so inherently vicious.

“ The revenue of the state,” says Mr. Burke, “ is the state. In effect all depends upon it, whether for *support*, or for *reformation*: it is the spring of all power, and becomes, in its administration, the sphere of every active virtue.”—In the states of India, where the revenue is almost entirely drawn from the land rents, it is directly connected with the agriculture of the country; the prosperity of which, therefore, depends upon the rate at which the land is assessed, and its rent to government collected.

Under the Mussulman governments, since the fall of the Moghul empire, there has been no standard of assessment in the revenues; the cultivators are subject to demands always irregular, and generally ex-

orbitant; a failure in their payments necessarily follows; and the collections are always made by an *armed force*, attached to the *Amildar*, or collector.

But in Oude, the fundamental vices of this general system were greatly augmented, by numerous evils, peculiar to itself, arising from the corruption of the government, and the insatiable rapacity of its revenue collectors.

To these collectors, the Nabob farmed the whole revenues, that is, in effect, the *whole lands* of the country. This was done, by granting leases of the different districts from year to year, and one or more of these districts were included in a lease, according to the power or the art of the collectors, in tempting the avarice of the Nabob, by offering him exorbitant rent, so that the land was thus let as at an auction, to

the highest bidder, without the smallest consideration or regard, on the part of the Nabob, to the character of the person, either for integrity or ability, to whom he was confiding so important a trust. Hence the manner in which the collectors executed this trust, corresponded with the base principle on which they obtained it.

At the commencement of every year, the collectors, or their deputies entered into written engagements with the *ryots*, or cultivators of the land. In these engagements, the rent stipulated to be paid was usually moderate, in order to encourage the *ryot* to cultivate the largest portion of land of which his means would admit; but as soon as the crops had ripened, the collectors insisted on a new engagement, founded on a calculation of their actual value. The unfortunate cultivators, aware of the inutility of remonstrance, and hopeless of redress, usu-

ally submitted, with silent reluctance, to the demand; but sometimes, in the anguish of their hearts, or in the bitterness of their resentment, they suffered the crops to be burnt and destroyed by the sun, rather than yield them up to the ravenous cupidity of their oppressors. More frequently, however, the collectors placed guards over the crops; directed them to be cut down, and appropriated the whole to their own advantage.

From this horrible practice, which united the improvident and ferocious rapacity of barbarism, with the artful and relentless avarice of a declining civilization, the most fatal consequences naturally resulted. Large tracts of land were left uncultivated; and the distressed and harassed peasantry, encouraged by the Mahrattas under Monsieur Perron, upon the Western frontier of Oude, abandoned their native homes in great num-

bers, and sought an asylum in that country; which was subject to the authority of the French officers in Hindustan:

The rapacity of the collectors, however, continued to increase in proportion to the decay of the country. Possessing only a temporary interest in the land, their sole object and consideration was to enrich themselves, during the period of their lease, by all sorts of extortion, alike regardless of every principle of good faith, and of every feeling of humanity! But it sometimes happened, with the effect of a retributive justice, that the oppression which they practised, at last overtook themselves; and that the Nabob, upon a collector falling in his engagement, seized upon the wealth which he had thus iniquitously amassed, and immured him in a dungeon.

The existence of these enormous evils is

proved by the testimony of Lord Cornwallis,* who, in his letter to the Nabob Assof-ud-Dowlah, has described them with great force, and with considerable minuteness; and the continuance of them, under the government of the *present* Nabob, Saadat Alli, is attested by the official dispatches of the British Resident in Oude, † as well as by the evidence of Major Ousely, *who held a confidential situation in the Nabob's own service*, and who was called to the Bar of the House of Commons, by the accuser of Lord Wellesley, to substantiate the charge in question.

Major Ousely, on being questioned as to the state of the revenues of Oude, under the government of the *present* Nabob, an-

* Oude Papers, No. 5 in 2.

† Ibid *supra*, No. 13.

swered, "That they were in a STATE OF
 "ANNUAL DECREASE OR DECAY, from the
 "mal-administration of the under aumils,
 "(the collectors' deputies) in the time of
 "Assof-ud-Dowlah, AND IN THE TIME OF
 "THE PRESENT NABOB, though he paid a
 "great deal of attention to it." *

Of the nature and extent of this defalcation in the revenues, you will be able to form a pretty accurate notion, from the following statement of the British resident:

"The decrease," says he, "in the re-
 "sources of these *districts*, proceeds not
 "from any calamity, to which they have
 "been peculiarly exposed, but *solely* from
 "the mismanagement and oppression of
 "the different aumils to whose charge they

* See the Minutes of Evidence on the Oude Charge,
 p. 65.

“ have been entrusted; and this scourge
 “ appears to have been felt more severely
 “ in that part of Rohilcund, which has
 “ fallen into the hands of the Nabob Vizier,
 “ than in any other division of his Excel-
 “ lency’s territory. Of this assertion, no
 “ more convincing proof need be required,
 “ than what is furnished by the following
 “ incontrovertible facts:—The district of
 “ Bareilly, when ceded to the Nabob in
 “ 1774, yielded, at that time, an annual re-
 “ venue of upwards of *sixty lacs* of rupees,
 “ and does not at present produce more
 “ than *thirty-six lacs*; and the district of
 “ Rehir, which was ceded by the Rohillas in
 “ 1794, little more than *three years ago*,
 “ and produced a revenue of *ten lacs* to Fizûla
 “ Khan, as appeared from the inspection of
 “ his accounts, now yields *barely four*
 “ *lacs*.”*

* *Old Papers*, No. 13 in 2, before referred to.

Such was the manner in which the revenue department of the government of Oude was conducted, and such the dissipation which it naturally produced.

With this department, that of the military was intimately connected, and indeed subordinate to it. The province being protected from all external enemies by the English forces, the Nabob's troops were maintained solely as an instrument of internal tyranny, and were never exercised but in quelling those tumults which they at once contributed to foment, by the example of their own insubordination, and to exasperate into fury, by the very cruelties with which they endeavoured to suppress them. Those tumults originated in collecting the revenues, the only service in which the troops were regularly employed. They were consequently placed under the absolute and exclusive command of the revenue collectors,

by whom they were paid, and whom; therefore, on the Asiatic principle of *fidelity to the master whose SALT is eaten*, they would alone obey.

The troops, thus placed at the uncontrolled disposal of the collectors of the revenue, consisted in the whole of 10,800 horsemen, 55 battalions of infantry, a considerable body of artillerymen, and 10,000 *peons*, or armed attendants. The annual expense of these establishments amounted to £735,600 *sterling*, which sum the collectors deducted from the revenues paid to government. Of this sum, however, though it was made a regular charge in the returns to the Nabob, there was only a part paid to the troops, who were kept constantly in considerable arrear. This circumstance produced and fostered that spirit of mutiny and passion for plunder, which constituted the only principle of their union and co-

herence. And the collectors, in order to appease that spirit, by gratifying the passion with which it was connected, or by any mode rather than by paying the arrears, annually granted to the troops assignments on those districts in which the land-rents were with the greatest difficulty collected. Those assignments were consequently made on the lands of the more wealthy and powerful Zemindars, * or land-

* The Zemindars, both under the Moghul constitution, and under the governments of their ancient Hindû princes, were public officers, whose duty it was to superintend the cultivation of the land, and the management and collection of the rents. They were appointed by a commission from the sovereign, called *sunnud*, to receive in charge certain portions of land, from the rents of which they were to pay a given per centage to government, and over which they were to exercise, not only the official authority of managers of the land, but also a considerable civil jurisdiction. But as this office was conferred on them as an *inheritance*, so it partook of the nature of property, for the grant of which, certain *civil services* were

holders, who, being themselves inimical to the government of the Nabob, both from the oppressive exactions to which they were subjected, and from their own turbulent and rebellious disposition, had not, for many years, paid any part of their rents, until they were actually reduced to submission by military force. To enable them to resist the revenue collectors, as well as to coerce their own peasantry, and to commit

to be performed to the sovereign. Hence, in the decline of the Moghul empire, when the whole country was thrown into confusion, and all property, as well as offices were thereby unsettled, the Zemindars considered these *inheritances* as actual estates, of which they were the sole proprietors. This had been their condition for fifty years before the provinces of Bengal and Behar fell under the dominion of the English. And, upon the ground of this *presumptive title*, together with that of *actual possession*, we were, I think, fully justified in adopting the wise and enlightened policy of granting to them their zemindaries in *perpetuity*, on the condition of their paying a *fixed rent* to government.

depredations on their neighbours, the Zemindars retained in their service from ten to twenty thousand men each. And, for the purpose of securing the treasures which they acquired by these spoliations, they had erected small forts, on which they mounted cannon; and many of which were of sufficient strength to withstand, for several weeks, a siege by the Nabob's troops, and sometimes to set their utmost efforts at complete defiance.

In the province of Dû-âb, part of which was subject to the government of the Nabob, and part to the French establishment in the service of the Mahrattas, there were no less than seventeen of those fortresses. The Zemindars to whom they belonged, derived great facility in resisting their payments to government, from the circumstance of *part* of their lands being within the Mahratta line of demarcation.

and consequently holding of the Mahratta government, and intitled to its protection ; under which, therefore, when they found their forts no longer tenable, they always took refuge.

No measures, either of conciliation or of decisive force, had ever been adopted, to bring those Zemindars to submit, with peaceful allegiance, to the government of the Nabob ; so that the business of collecting the revenues invariably produced an annual war.

Thus habituated to scenes of rebellion and oppression, the Nabob's troops were actuated by the combined spirit of mutiny and of tyranny, which rendered them no less the enemies of the government, than of the suffering and plundered peasantry whom they were employed to scourge.

This spirit had, in some districts, risen to a height which menaced the total subversion of the government, and which nothing but the presence of the English army could have availed to repress. But in these districts, the only expedient to which the collectors had recourse, in order to allay that spirit, was to allow the soldiers to live at free quarters on the weaker Zemindars, and the helpless cultivators, over whom they exercised all those extortions, and atrocities, to which in every country such a monstrous expedient must always give birth, and which, in that country, therefore, you will readily conceive, must have been productive of aggravated horrors.

Licentiousness and mutiny, like pestilential disorders, are propagated by contagion. Hence the troops attached to the person of the Nabob, caught those vices, and that rebellious humour, with which the

rest of the soldiery were infected : so that, under the government of the present Nabob, these troops resisted his own immediate orders.

The combined and continued operation of all those evils, and the exasperation and resentment to which the peasantry were at last roused, served to irritate and spread those violent commotions with which the province was convulsed, and by which all lawful authority was destroyed.

This statement of facts is fully proved by the evidence before the House of Commons.* But I shall just point out to you what was said relative to these facts by

* See the official dispatches of Colonel Scott, the British Resident at Lucknow.—*Oude Papers*, p. 2, *et passim*.

And the Resident's correspondence with Sir James Craig. *Ibid.*

Major Ousely, the Nabob's *aid-de-camp*, and Sir James Craig, *the commander in chief of the British forces in Oude*, during the *period of time under review*.

"The Nabob," said Major Ousely, "was at first, I believe, very willing to disband his troops, *finding them totally insufficient for the purposes of collection*, (that is, of collecting the revenues), *or for the subordination of the country*." On being questioned farther as to the disposition of the troops, he said, "he had *seen instances of their mutinous and disorderly conduct*."

Sir James Craig stated to the House "That the Nabob's troops were *totally undisciplined, mutinous, licentious, and many of the battalions not armed*—He said "he always understood, that they were the *reverse from being attached to the person and government of the Nabob*, and that

“ he KNEW the NABOB HIMSELF *considered*
 “ *them in that light.* He always consi-
 “ dered the Nabob’s troops *useless* and *dan-*
 “ *gerous*; consequently it was *desirable* to
 “ *reduce them.*”

Yet this undisciplined rabble, at once the scourge of the people, and the terror of the government, afforded the only miserable and precarious security for life and property which existed in the country. Considering the lives and property of their countrymen as their own proper and exclusive prey, they preserved them from the ravages of those vices and passions, which their own enormities had fomented and inflamed, in order that their voracious appetites might not be disappointed of their annual banquet at the collection of the revenues.

There was no civil police in the country, except at the seat of government, at Luck

now: And the manner in which that branch of jurisdiction was constituted and conducted, was full of the grossest defects, and altogether inefficient.

On this point Major Ousely, the Nabob's Aid-de-Camp, informed the House of Commons, " that the police of Lucknow was
 " better than in the other parts of Oude ;
 " that the present Nabob paid a great deal
 " of attention to it ; but that though he
 " *constantly changed* his cutwal (that is the
 " chief police magistrate) and *fixed some*,
 " and *confined others*, YET THE EVILS WERE
 " NOT CORRECTED. He had *himself wit-*
 " *nessed* at Lucknow, in a *morning going*
 " *out a hunting*, a *man just murdered*. He
 " used to send notice to the Nabob on such
 " occasions ; and a search was made, but
 " the *murderer seldom or never found*
 " *out*. Instances of *that kind were very*
 " *common indeed*.

“ As to the police of the Dû-âb (which
 “ forms so large, and so important a part of
 “ the dominions of Oude) there could be
 “ nothing worse than this was, when Ma-
 “ jor Ousely lived in it. As to the lenity of
 “ the laws, you might call it lenity of laws,
 “ where you saw few instances of execu-
 “ tion according to the rules of the law,
 “ *for they seldom applied to law at all;*
 “ *they generally took it into their own hands.*
 “ But he never saw, nor read of a country
 “ *where there was more bloodshed, than in*
 “ *the Dû-âb, while he lived in it. There*
 “ *was no stirring out of one's house, without*
 “ *being attended by a guard. Persons un-*
 “ *attended were frequently attacked, and*
 “ *probably killed.* As to the people cal-
 “ ling themselves Zemindars, and land-
 “ holders, there was no imposition which
 “ they did not practice, on persons travel-
 “ ling, indigo merchants, and persons in
 “ trade. One instance he could state of a

“ gentleman who was stopped by the
 “ Zemindar of Sassnee, and though he pro-
 “ duced a pass of Almas Alli Khan (the
 “ Nabob’s aumildar, or revenue collector,
 “ and, in fact, governor of the district) yet
 “ still, in *defiance of all authority of the*
 “ *persons he ought to be subject to*, this man
 “ not only *stopped the indigo, but carried it*
 “ *into his fort*, and levied *what duty he*
 “ *pleased upon it before he would liberate it*.
 “ In this way there was a *constant fighting*
 “ about the *common property which was*
 “ *carrying from one place to another*. At
 “ *every place almost it was stopped by every*
 “ *Zemindar who chose to put an exaction*
 “ upon it; and the matter was *decided by*
 “ *the longest sword.*” *

, Such is the description given of the po-
 lice of the country, by a gentleman who

, * See Minutes of Evidence on the *Oude Charge*, taken
 before the House of Commons, p. 67.

resided in it constantly for upwards of *nine years*; who, *when he gave this evidence, was still in the service of the present Nabob*; who is perfectly acquainted with the language of India, and who has made the *manners and customs of the natives* his particular study. *

His testimony, if it required confirmation, is strongly corroborated by the evidence of Lord Teignmouth, † and of Mr. Cowper, the latter of whom had resided *thirty years* in Hindûstan, had *lived in Oude* for upwards of *one year*, and who, from his being for several years one of the members of the Supreme Council at Bengal, possessed the best means of knowing the actual state of all the English territories and dependencies.

* See Minutes of Evidence, p. 60.

† *Ibid supra.*

This gentleman informed the House of Commons, " That it was impossible to
 " conceive a *greater state of anarchy and*
 " *misrule*, than had prevailed in the domi-
 " nions of Oude as far back as he could
 " recollect : there *was neither law nor justice,*
 " *nor subordination of any kind.*" The
 " *progressive decline* in the revenues was to
 " be *attributed to the total want of all go-*
 " *vernment in the country.* And as to the
 " police, there *was none* that he had ever
 " heard of."*

Nor was there in Oude any established institution for the administration of justice ; for the judicial office in the city of Lucknow deserved not that name. The laws were dispensed at the arbitrary discretion of the officer who presided in it ; and who never

* Minutes of Evidence before the House of Commons, p. 46.

determined a cause but by the *intervention* of *private favour*, or the more potent influence of a *bribe*. “ I think, in Oude,” says Lord Teignmouth, “ there was *no justice at all*. In other Mohammedan countries, “ there was a regular, decently-conducted “ court of justice. *In Oude, justice was “ at the arbitrary discretion of the officer “ employed by the Nabob. I speak posi- “ tively to my knowledge of the government “ of Oude, as well as to what Lord Corn- “ wallis has particularly detailed* in the “ papers before the House, of the abuses “ as far as they were known to us. * * * “ All the papers before the House shew “ what the state of that country was ; that “ its administration was exceedingly bad in “ all the departments—the whole admi- “ nistration was as bad as it well could be.*

* See Lord Cornwallis's letters to Assof-ud-Dowlah. *Oude Papers*, No. 1 and 2.

“ in *all* its departments: and it was the
 “ *perpetual object of our government to*
 “ prevail on the Nabob to *make a change*
 “ in his administration. Lord Cornwallis
 “ had *attempted it; and it was equally*
 “ *urged by the government abroad, and by*
 “ *the company at home.*”*

Such, then, was the state of this “ DE-
 “ PENDANT FIEF,” of the British empire in
 India, at the beginning of Saâdut Alli’s ad-
 ministration. Under a government so con-
 stituted, and so debased, the condition of
 the people was necessarily reduced to the
 last degree of impoverishment, depression,
 and misery: so that the effects of its own
 corruptions, whilst they silently under-
 mined its power, exhibited the prognostic
 of its rapid dissolution. The protection of

* See Minutes of Evidence on the “Oude” Charge,
 pages 18—22.

the British government had long protracted its fate; but it was fast approaching to that stage of its intestine disorders, at which no external power could have any longer averted it.

In this situation, the British government had to consider the increasing waste and dilapidation of the resources of this its *dependancy*, by which its most essential interests were so materially impaired; and it had also to consider the *policy* of supporting this falling system of plunder and oppression, in a province which formed the only barrier between its own dominions in Bengal, and those of its powerful and martial neighbours, the Mahrattas in Hindustan, *who made war a source of revenue.**

* See Tone's Dissertation on the Institutions of the Mahrattas. Asiatic Reg. vol. I. *Miscellaneous Tracts*.

Mr. Tone was, for twenty-eight years, an officer in the Mahratta armies.

In both these points of view it appears to have been a wise, as well as a just and necessary measure, to interpose its paramount authority, in order to save its "DEPENDANT FIEF," with all the various interests it involved, from utter destruction.

Hence, then, there existed a *general necessity* of the strongest and most imperious nature, for effecting a radical reformation in the government of Oude: a *necessity* felt and expressed by Lord Cornwallis, Lord Teignmouth, and the Court of Directors; and a reformation which they had, with the utmost solicitude, sought in vain to accomplish.

The Nabob Saâdut Alli, who *himself* admitted this *general necessity*, who was placed in the government with a *perfect understanding*, that he should reform its abuses, who was bound by his covenant to

make a reduction in his establishments, and who, nevertheless, at the end of *two years*, had taken not *one single step* towards effecting *any of these objects*, did, by that very neglect and omission, greatly augment the pre-existing waste in the country, and thereby clearly forfeit, on the general principles of justice which I have laid down, *all the rights* which he possessed over Oude, whether acquired by succession, or stipulated by treaty.

Now, if there existed a *general necessity* for a radical reformation in this government, if the Nabob had made no endeavours whatever to effect that reformation, and if the substantial resources of the *dependancy*, the welfare of its inhabitants, and the interests of the *paramount state*, were, through his *negligence*, or *contumacy*, suffering progressive deterioration,—it is plain that the British government could not *too soon* have

called upon the Nabob, either for the *forfeiture* which he had incurred, or for such other reparation of a less extensive nature, as motives of indulgence might dispose it to take. But I will shew you that, in the early part of Lord Wellesley's administration, there existed a *particular political necessity*, which rendered the *immediate demand* of reparation from the Nabob indispensable to the security, not only of this *dependancy*, but of the whole of the British dominions in Hindûstan.

(I know I have not a better proof to give)

Third. The political geography of this dependancy embraces some of the most important interests of our Indian empire, in its foreign relations. Situated between our own territories and the Mahratta dominions in Upper Hindûstan, the province of Oude formed the medium of mutual intercourse in peace, and the principal scene of our operations in war. That part of Oude

which bordered on the English territories, was separated from the Mahratta dominions by the river Jumnah, and from thence stretched across to the forests of Bhotwâl, and the lofty mountains of Gorkah, which bound it on the north east. But the north-west quarter of Oude was not protected from the Mahrattas by any natural barrier. Scindeah having possessed himself of the provinces of Agra and Delhi, and of the capital and person of the Moghul emperor, occupied a large extent of country on the *Oude side* of the river Jumnah, which included the upper part of the Dû-âb, and in which the French establishment, that he had retained in his service, was fixed.

In this quarter, therefore, as I before stated, there was an open frontier between the dominions of Oude, and the French Mahratta establishment.

This establishment consisted of *forty thousand disciplined* native troops, *three-hundred European officers*, and an artillery amounting to *two-hundred and eighty pieces* of cannon, appointed and served *under the direction of French engineers*. Thus formidable in itself, it derived additional strength in its position, from the circumstance of local interests and attachment. It was maintained by military and personal grants of the lands which it was stationed to defend. Hence its interests were identified with the soil; and were directed by Monsieur Perron, its commander, partly to extend the conquests of Scindeah, but principally to promote the views of France.

Monsieur Perron, to say nothing of his zeal in the cause of his native country, knew, that it was only by the gradual advancement of her views, and by the aid of her

support, that he could preserve his own establishment, in the probable event of a rupture between Scindeah and the English. So that his attachment to France, and his consequent hostility to the English government, were founded on the strongest principles of self-interest, fortified by every consideration of policy, heightened by sentiments of ambition, animated by his patriotic feelings, and stimulated by those desires with which the combined operation of all these motives of action may be supposed to have inspired him. Perron, therefore, not merely from the peculiar nature, but from the very necessities of his situation, became the irreconcilable enemy of the English government: and, at the period of time under review, he was actually carrying on a secret correspondence with the government of the Isle of France, with a view to the adoption of measures for supplying the other French military establishments, in the

service of the native princes, as well as his own army, with additional officers of experience and skill.

Now, this our irreconcilable enemy, guided by such views, and actually engaged in such projects, was constantly stationed with his large and well-appointed army, on the *open* and *defenceless* frontier of the dominions of Oude in the Dû-âb.

In that station he derived a powerful and diffusive influence, from the circumstance of his acting under the ostensible authority of the Moghul emperor, *whom he held in his charge*; but whose *nominal power* it was the policy, both of Perron and of Scindeah, to preserve. For that purpose, Scindeah, as I have already adverted to, had made the Emperor constitute the Peishwa the Regent of the Empire, and *himself*, the Regent's *Deputy*; so that every measure, and every

public act, either of Scindeah's or of Perron's in Hindûstan, was executed in the *name*, and under the sanction of the Moghul.

This influence was eminently calculated to facilitate that system of political intrigue, amongst the minor chiefs in Hindûstan, which Perron, as the instrument of French policy, incessantly laboured to promote. The great object of this intrigue was, to instil into the minds of the natives, by all the ingenuities of falsehood, the bitterest sentiments of hatred for the English government; and to impress them with the notion, that their sole chance of deliverance from its domination, rested on the support which they gave to the French, who were represented as the *servants* of the *Moghul*, *acting under his authority for the re-establishment of his power*, and for the advancement of his glory.

Amongst the Rohillas, both in that part of their country which is tributary to Oude, and in that also which was directly subject to its government, the dissemination of those artifices of intrigue was well-adapted to increase the discontent which previously prevailed, and which had grown out of the detestation and contempt of the Nabob's administration, which that turbulent, but spirited and warlike race had always entertained.

The dissaffection which these combined causes had produced, was fomented by the malignant zeal, the unremitting stratagems, and the unextinguishable animosity with which Vizier Alli strove to excite a general insurrection against the English, in the hope of recovering the government from which he had been deposed. During the few months in which he held the Nabobship, he had studiously and strenuously sought to gain the favour of the profligate and mutinous

soldiery of Oude, by the most profuse largesses, and by granting them every sort of indulgence which was calculated to gratify their licentious passions. After his deposition, and during his residence at Benares, he employed every secret means to keep alive, amongst the Nabob's troops, that regard for him, or rather that interest in his fortunes, with which his lavish munificence had inspired them. The short distance of Benares from Oude facilitated the prosecution of these practices, and the British government had, on that account, ordered him to be removed to Calcutta. To this removal, which would defeat all his projects, he resolved not to submit; and, in a fit of vindictive despair, he cruelly murdered, in cold blood, Mr. Cherry the Resident, and several other English gentlemen at Benares; after which he effected his escape with a few followers, and took refuge in the forests of Bhotwál. There he was soon joined by

some rebellious Zemindars, and by a *whole* *battalion of the Nabob's troops who had been sent against him*. In the course of two months his retinue amounted to nine thousand men. With this powerful and desperate band of ruffians, he entered the plains of Goorakpoor, which form the Eastern districts of Oude; from whence, by his incessant depredations, no less than by the interest which his appearance excited amongst the disaffected, he kept the whole province in a state of continual agitation and alarm.

Whilst Oude was thus menaced by all those circumstances of *contiguous* external danger, and pregnant with those complicated domestic evils which were fast destroying the sources by which alone that danger could be effectually repelled,—the British government received positive intel-

ligence* of the approach of Zemaun Shah, King of Cabul, with a powerful army, for the avowed purpose of carrying into execution, *his long-meditated design of wresting the dominions* of Oude from the authority of the English.

“ Zemaun Shah was sovereign of a powerful Mohammedan state, situated principally on the west side of the river Indus, but comprising the provinces of Lahore and Cashmeer, which form the north-west frontier of Hindûstan, and which *are from three hundred to four hundred miles distant from Oude*. This state was founded in 1740, by Ahmed Shah Duranee, a warrior of great renown throughout Asia, who left to his successor Zemaun Shah,

* See Letters and Papers relative to the apprehended invasion of Hindûstan, by Zemaun Shah, King of Cabul.—*Oude Papers*, No. 12 in 2.

“ not only a numerous and well-disciplined
 “ army, but also the fame which that
 “ army had acquired under his command,
 “ *in his several invasions of Hindûstan*, and
 “ more particularly in his celebrated victory
 “ over the Mahrattas at Pâniput. Along
 “ with these inheritances, Zemaun Shah
 “ possessed something of the enterprizing
 “ spirit, and all the ambition of his ances-
 “ tor. The design of *subjugating the*
 “ *state of Oude*, and of *extinguishing the*
 “ *Nabob's family*, had long formed the
 “ *main object* of that prince's policy ; and
 “ his inveterate hostility to the English
 “ power in Hindûstan had been *publicly*
 “ and *repeatedly* announced to all the
 “ courts of Asia.” *

* Having given this short account of Zemaun Shah,
 in a recent publication, and knowing it to be accurate, I
 have thought it best to transcribe it here, without any
 alteration in the form of expression.

The march of Zemaun Shah into Hindustan, was a part of the extensive scheme which Tippoo Sultaun had formed for the extermination of the English in India, and which, in conjunction with France and with several Mussulman chiefs, he was, in the latter end of 1798, on the point of carrying into actual effect.*

Advices had at the same time been received by Lord Wellesley, from the Court of Directors, apprizing him of Buonaparte's expedition into Egypt, and of India being the ultimate object of his destination.†

* See the Letters of Tippoo to the Governor of the Mauritius; to the Executive Directory of France, and to Zemaun Shah.—Asiatic Register, for 1799, Vol. I. State Papers, &c.

† See an extract of a Dispatch from the Court of Directors to the Governor-general. *Ibid.*

At this critical conjuncture, when it was palpably necessary to call forth the whole resources of our Indian empire, in its *own defence*, and, at the same moment, to assemble a powerful army in the Carnatic to oppose the designs of Tippoo, and another in Oude to resist the invasion of Zemaun Shah, —what, in a military point of view, was the actual state of that our *frontier province* in Hindūstan, and the *declared object of the enemy's attack* ?

Sir James Craig, the Commander in Chief of the British forces in that dependancy, informs us, in his public dispatches to the Resident at Lucknow, “ that should the long-
 “ threatened invasion of Zemaun Shah be at
 “ length realized, there was, he thought, *little*
 “ *doubt that he would be supported by al-*
 “ *most the whole of the Rohilla tribe*, and
 “ that the *means*, therefore, to be employed
 “ to repel it, *must* be of a magnitude *far*

“ *exceeding* what was *then* in the province.”*

This account of the danger to be apprehended from the disaffection of the Rohillas, is strongly confirmed by a *dispatch* of Major-general Stuart, the officer who commanded the English forces which were stationed in Rohilcund.

“ I do conceive,” says he, “ in the event of Zemaun Shah’s actual approach, that the *presence of the whole of the force* under my command *will be required in Rohilcund.*”†

With regard to the state and disposition of the Nabob’s troops at this period, Sir

* *Oude Papers*, No. 12 in 2, p. 35.

† *Ibid supra*, p. 34.

James Craig, in his letter to Lord Wellesley, gives the following account:

“ I know not what to say with respect
 “ to the Nabob's troops. I would be con-
 “ tent that *they should be useless*, but I
 “ dread *their being dangerous*. Unless
 “ some step is taken with regard to them,
 “ I should be almost as unwilling to leave
 “ them behind me, AS I SHOULD BE TO
 “ LEAVE A FORTRESS OF THE ENEMY. The
 “ Nabob is *highly unpopular*, and of *all*
 “ his subjects, I believe he would *least* ex-
 “ pect attachment from his army.” ***
 “ Your Lordship judges most rightly, that
 “ in its present shape, *no sort of service* can
 “ be expected from the Nabob's army;
 “ and I am confident, that *without a total*
 “ *change in the policy* of the government,
 “ and in the manners of the people, there
 “ exists no possible means by which it can
 “ be rendered such as can merit that the

“ *smallest degree of confidence should be*
 “ *placed in it. The money now expended*
 “ *on the Nabob’s army is thrown away, and*
 “ *can only be rendered subservient to the*
 “ *object of general defence, by being ap-*
 “ *propriated to the increase of the Com-*
 “ *pany’s army.* * * * * * The Nabob
 “ *has repeatedly declared to me, that we*
 “ *must not reckon on deriving the smallest*
 “ *assistance from his troops. He said, that*
 “ *their arms in general were scarcely ser-*
 “ *viceable, that there was no subordination*
 “ *amongst them, and that no reliance was to*
 “ *be placed on their fidelity.* * * * The
 “ Nabob expressed considerable apprehen-
 “ sions, with respect to the Rohillas, who
 “ he repeatedly said, *he had no doubt would*
 “ *take up arms, the moment they could*
 “ *make themselves sure of support by*
 “ *Zemaun Shah’s approach. He was ex-*
 “ *tremely pressing to have some of the*
 “ *Company’s troops left for his own pro-*

“ *tection*; indeed he almost made it a *con-*
 “ *dition.*” * * * With respect to the re-
 sources in Oude for the supply of the army
 at this crisis, Sir James Craig informed Lord
 Wellesley, “ that he was sorry to see good
 “ grounds for the conviction, that *no one*
 “ *step* had been taken, for laying in grain
 “ in any of the magazines; and *that this*
 “ *important object would never be attained,*
 “ *whilst the management of it remained in*
 “ *the hands of the Nabob's people.*” *

The melioration in the state of Oude,
 however, which the circumstances here re-

* These facts are substantially contained in Sir James
 Craig's evidence before the House of Commons; but I
 have chosen in this place to take them from his letters;
 because those letters were written *on the spot*, and *at the*
time, and because they furnished the information upon
 which Lord Wellesley acted, in framing the subsequent
 arrangements for improving the defence, as well as the ge-
 neral condition of Oude, by reducing the Nabob's troops.

lated so strongly demanded, was reserved for a season of greater tranquillity, and therefore more suitable for effecting the important arrangements, which the attainment of such an object necessarily embraced.

By the enlarged and dextrous policy of dispatching an embassy to the King of Persia, a diversion was effected against Zemaun Shah in that quarter, which, together with some domestic dissensions, compelled him to retreat from Hindûstan; whilst the same policy, by an effort of vigour and promptitude which has been rarely equalled, anticipated the hostility of Tippoo, and in a few months completely subdued his power. And, in Oude, the party of Vizier Alli was routed and dispersed.

But those important successes, though they greatly lessened the magnitude of the general danger, and averted the immediate

invasion of Oude, yet in no manner diminished the force of that imperious necessity, which the other political circumstances connected with the state of Oude had created, for insisting upon the Nabob making such *immediate reparations* as the dangerous vices of his government, the increasing *waste* which the country was suffering, and his own continued neglect did in justice entitle us to demand.

The archives of Seringapatam had disclosed the whole details of the vast plan which had been formed for the destruction of the English power in the East. From these it appeared, that almost all the French officers in the service of the native princes, had either been directly concerned in that scheme, or had secretly encouraged it. It also appeared, that Tippoo had succeeded in obtaining a promise of neutrality from Scindeah, in the event of Zemaun Shah invading

Hindūstan; and that he had also engaged him to exert his influence in the councils of the Peishwa, to detach that prince from the British alliance.

Scindeah had been induced to promise this neutrality from his own jealousy of the English power; and from the hope that Holkar, his rival in the Mahratta empire, might, from his warlike and predatory spirit, and from his known desire of ravaging the British provinces in Bengal, be led to take an active part against the English.

The fall of Tippoo produced no change in the hostile sentiments which Scindeah thus cherished against the English power, and which, indeed, he seemed not very solicitous to conceal. But the violent dissensions which prevailed at Poonah engrossed all his attention to the politics of the Deccan; and he entrusted to Perron the

exclusive and uncontrolled management of all his interests in Hindûstan. The views and interests of that officer, and those of France, I have already shewn to be the same; and the fact* of his having made no preparation whatever to take the field, when Zemaun Shah was in full march into Hindûstan, clearly indicates a knowledge on his part, that the invasion was not directed against his interests, and that he had nothing to fear from it; so that, combining this circumstance with his known policy, it is, I think, fair to conclude, that, in the event of another expedition from Cabul, he was much more likely to have supported it, than to have thrown any impediment in its way.

Nor was the apprehension of another ex-

* See Sir James Craig's evidence before the House of Commons, — Minutes of Evidence, p. 98.

pedition against Oude, and the British provinces in Hindûstan at all diminished by the circumstance of Zemaun Shah having been dethroned ; for his brother Mahmûd Shah, who perpetrated that act, and who placed himself on the throne, was *known* to *entertain precisely the same views* in regard to the projected invasion of Hindûstan*.

Hence, then, there were *two* existing sources of external danger to Oude, at the

* This fact is confirmed by the evidence before the House of Commons.—See Extract of a Letter from Governor Duncan, (the Governor of Bombay) to the Secret Committee of the Court of Directors, 8th January, 1801.—In this letter, after mentioning the termination of the contest between Zemaun Shah and his brother, and the elevation of the latter, Governor Duncan expressly says, “ The news refers to the *probability of Mahmûd prosecuting his brother’s views in India*, to which he is said *to have been invited by the Afghan chiefs.*”

beginning of the year 1801, against which it was evidently necessary to provide : *first*, the invasion of *Mahmūd Shah*, the *new* king of Cabul, which Governor Duncan, on certain information received from Persia, represented as *probable*, and as being *instigated by the Afghan chiefs* ; and *second*, the French Mahratta establishment in the Dû-âb, which, at best a *suspicious neighbour*, was, in that view, formidable, from its intrinsic force,—but which was still more formidable, from the circumstances of that force being *constantly stationed* on our *open* and *defenceless frontier*, and being, in *that position*, under the ostensible sanction of the Moghul, and the powerful protection of Scindeah, the *actual instrument* of the policy of France,* and the means to which she

* See a *Memorial on the present Importance of India, and on the most EFFICACIOUS MEANS OF RE-ESTABLISHING THE FRENCH NATION in that country.*

This document was obtained at Pondicherry, from an

confidently looked for the ultimate accomplishment of her known designs on Hindústan. The execution of those designs might be retarded for a while, by temporary obstacles; but the policy on which they were formed was steady, constant, and uniform; and it was certain would never be abandoned by any government in France, much less by the grasping ambition of the present ruler.

This last source of danger, therefore, was constant, progressive, and at hand, and was, in its nature, calculated to lead to actual hostility. The landing of a French force

officer who accompanied General *De-Caen* to India, in 1802. An extract from it, which proves the fact I have stated, may be seen in a valuable and interesting publication, intitled, *Notes relative to the peace concluded between the British government and the Mahratta chieftains, &c. Stockdale, 1805.*

on any of the shores of the peninsula, or a rupture with the Mahrattas would have been the signal for Perron to have marched into Oude with his whole force. The events which *soon afterwards* took place, in the war with Scindeah, attest the justness of this observation : and if, at that great crisis, the military defence, the civil condition, and the financial resources of Oude had not been previously strengthened, improved, and consolidated, the consequences of Perron's hostility would, in all probability, have proved fatal to that dependancy, if not to our own contiguous territories.

That this *French Mahratta army*, of *forty thousand disciplined troops*, stationed on the *unprotected frontier* of Oude, was a *neighbour* who required to be guarded with the most unremitting vigilance, and by an adequate force, is a position that cannot be controverted : that the mutinous state of the

Nabob's troops, and the rebellious disposition of the Rohillas were sources of imminent danger, in the event of an attack from that neighbour, is equally undeniable. There existed, therefore, the strongest *political necessity* for making immediate preparations in our own defence, suited to the nature and extent of the perils that threatened us, and adapted to establish a substantial and permanent protection against them. And, as it has been already shewn, from the internal state of the country, that those preparations could not have been made, without a total change in its civil affairs; so it became the duty of Lord Wellesley to employ a period of peace in effecting an object, which was palpably essential to the safety of our interests, and which we were entitled to demand from the Nabob, on the clearest principles both of policy and of justice.

Thus the *four points* on which the merits

of this question entirely rest, and must be finally decided, appear to be established,—*namely* :

First. The province of Oude was a “DEPENDANT FIEF,” and the Nabob a VASSAL of the British government.

Second. The right possessed by the British government, of exercising its paramount authority over this its VASSAL in all matters of importance, and more especially of demanding from him *substantial reparation* for any *waste* committed, or suffered, through his *mismanagement*, or *omission* in this “DEPENDANT FIEF,” was founded on the established principles of universal justice.

Third. There had existed for a long period of time, a *general necessity* for exercising this right, in order to effect a radical reformation in the internal government of

the *dependancy*; and, combined with this *general necessity*, there was the *increasing waste* which the British interests were *daily suffering* through the *contumacy*, or *negligence* of this VASSAL, and which, therefore, intitled the British government to exercise its right of calling on him for *ample reparation*.

Fourth. Superadded to this *general necessity*, there was, in the early part of Lord Wellesley's administration, a *particular political necessity*, which rendered the *immediate* exercise of the right in question *indispensable* to the *safety*, not only of this "DEPENDANT FIEF," but of the actual territories of Britain in Hindûstan.

Having then shewn, that the Nabob, on the established principle of *forfeiture for waste committed, or suffered*, had completely *forfeited* to the British government *the place*

which he had wasted,—it follows, that any arrangement made by the British government, by which the *whole forfeiture* was not *insisted on*, was an *abatement* of its *legal claim*, and, therefore, an act of *signal indulgence*.

Now, Lord Wellesley did not *insist* on a greater reparation from the Nabob than was *exactly* sufficient to *secure effectually*, the amount of revenue, necessary for the support of our establishments in Oude. He commuted the subsidy which the Nabob was previously bound to pay, for a portion of territory, the annual revenue of which, as then assessed, was *exactly equal* to that subsidy : He reduced the Nabob's mutinous and incorrigible troops, in whose "*fidelity and services*" the Nabob himself declared "*there was no reliance to be placed*:" and, he reserved to the Nabob a considerable territory, comprizing some of the most fer-

tile districts in Oude, free from the payment of *any tribute*, and from *all pecuniary demands whatever* ; but under positive stipulations, that he should effect a complete reform in the civil administration of his government.

The correspondence which took place between the British government and the Nabob relative to those important transactions, was extremely tedious, and by him unnecessarily and purposely prolonged ; so, that, under all the aggravated circumstances which have been stated, it does in my opinion exhibit a degree of patience and forbearance on the part of Lord Wellesley, which is highly commendable in itself, but to which the Nabob's contumacious conduct in no way intitled him.

It is wholly useless to trespass upon your time with any detailed account of that cor-

response; the *whole* of it is before the House; and it will, therefore, be sufficient to mention the objects to which it related, and the results to which it led.

A few months after Lord Wellesley's arrival in Bengal, his attention was powerfully called to the situation of affairs in Oude, and particularly to the state of our military defence in that dependancy, by the menaced invasion of Zemaun Shah. As soon as certain intelligence was received, of that prince being actually on his march into Hindûstan, the English army in Oude was increased from ten thousand men, the number stipulated by Lord Teignmouth's treaty to be stationed *constantly* in the country, to twenty thousand men, which Sir James Craig, the Commander in Chief in Oude, represented to be absolutely and indispensably necessary to defend the province*

* See Sir James Craig's evidence before the House of Commons. Minutes of Evidence, p. 91.

against the enemy who threatened to invade it.

This augmentation of the army for the defence of Oude, occasioned a demand on the Nabob for a proportional increase of subsidy, which, according to the 7th article of Lord Teignmouth's treaty, and to *Lord Teignmouth's interpretation** of that article, the Nabob was *bound* to provide. This increase of subsidy amounted to fifty-four lacs of rupees, which, together with the subsidy of seventy-six lacs, fixed by treaty, made the sum of *one million, six hundred and*

* "By the terms of the treaty," said Lord Teignmouth, "if the *Company* thought it necessary to station a force, to the amount of *double the force* stationed in Oude, the Nabob was *bound to pay for that force*, so long as it was necessary for the defence of the country." —Minutes of Evidence before the House of Commons, p. 13.

eighty-nine thousand, one hundred and sixteen pounds sterling.

The dilapidated resources of Oude produced by former waste, and by the Nabob's own mismanagement and neglect, disabled him from fulfilling his payments under the augmented subsidy, which, therefore, fell into an arrear of *four hundred and seventy-five thousand pounds sterling.**

This arrear the Nabob declared his inability to liquidate, in consequence of *the disordered and distressed state of the country, and of the increasing defalcation in its revenues.** But, whilst he made this declaration, and constantly expressed an ear-

* See Col. Scott's letter to the Nabob. *Oude Papers*, No. 3. p. 83-4.

† See the Nabob's letter to Col. Scott. *Oude Papers*, No. 3. p. 77, 102, and 141.

nest solicitude to remedy the evils of which he complained, he used not the smallest endeavour whatever to accomplish that object; and whenever he was pressed by the British Resident to adopt some *decisive measure* for removing the acknowledged abuses of his government, he invariably betrayed that *real disinclination and reluctance* to any change in his ruinous system, which always lurked in his heart.

When Lord Wellesley discovered this disposition in the Nabob, and saw that he was making no effort, either to liquidate the arrear which was due, to reform his government, or even to *reduce* those *superfluous establishments* which formed one of the *obligations imposed* on him by the treaty of 1798, his Lordship *insisted* on an immediate reduction of his mutinous and useless troops, as a very material saving in the public expenditure would thereby be ob-

tained, as they constituted a primary source of the grievous calamity with which the country was afflicted, as they formed the first object of reform in the government, and finally, as the Nabob himself had repeatedly acknowledged the necessity of such a measure, and had, with apparent earnestness, even urged its adoption.

But, when the reduction was actually commenced, the Nabob, in the face of his former declarations, started objections to it; and when these objections were removed, he still frustrated and delayed it by various secret artifices, which prove incontestibly that he had no intention whatever of ever reforming his government, or of repairing the waste which the country was suffering through his pertinacious misconduct, and that all his specious professions on that subject were hollow and insincere.

Under these circumstances the reduction of the Nabob's troops was at last accomplished ; but the arrears of subsidy remained *still unpaid*. And, though Zemaun Shah had then retired to his own country, it was still necessary, as I have already shewn you, to keep a large force in Oude to watch the motions of the *French Mahratta army*, which was stationed on its *open* frontier, and to awe into submission, by a superiority of strength which would not be opposed, rather than by measures of coercion which must have terminated in bloodshed, that rebellious spirit of the Rohillas, which had kept the whole province in continual alarm.

The Nabob's continued failure, therefore, in paying up the arrears of subsidy, was attended with considerable inconvenience to the British government ; and, consequently, its interests were sustaining a *positive* and *direct*

damage from the Nabob's culpable procrastination in repairing those errors in the internal management of the country, which at the same time he urged as an *apology* for the very failure in question.

About this period of time, the Nabob made a proposal to Lord Wellesley to abdicate the government of Oude,—stating, “ That he *felt himself unequal to manage* “ it, either with *satisfaction to himself*, or “ *advantage to the people*; for, that he was “ *neither pleased with them, nor they with* “ *him*.”* but he accompanied this proposal with the conditions, that *one of his sons should be appointed to succeed him*, and that *he should be allowed to retain possession of the public treasure, with the sole and absolute power to dispose of it, in any manner he might think fit*.

* See Colonel Scott's report to the Governor-general, 22d Nov. 1799.—*Oude Papers*, No. 3.

To his abdication on these *conditions* Lord Wellesley refused to agree. An *unconditional* abdication, though a thing highly desirable, was nothing more than the British government had a *legal right* to demand, as the forfeiture for the waste which the country was suffering through the Nabob's pernicious administration, and in consequence, not only of his stubborn rejection of every measure which had been proposed for its improvement, but also of his actual opposition to the reduction of his troops, whom *he himself represented as useless and faithless*, and of his positive failure in the payment of his subsidy. And, though from motives of indulgence to the Nabob, the British government was induced to remit the *full* exercise of this *right*, it would have been at once criminal and preposterous to have placed the Nabob's son at the head of the government for the purpose of intitling him to the same indulgence, and

of enabling him to participate in those inveterate abuses, which it was evident from experience he would never make any sincere or effectual endeavour to correct. The administration of Oude, under the extravagance of Assof-ud-Dowlah, and the parsimony of Saâdut Alli, had been alike destructive to the public interests; whilst both of them admitted the necessity, yet rejected the means of reforming it. So that there was, therefore, good reason to believe, that any son of either of those Nabobs would be actuated by the same intempered prejudices that had made them adhere to the ruinous customs, which they had at the same moment followed and condemned.

With regard to the public treasures, as they formed a part of the resources from which the Nabob derived the means of fulfilling his current payments to the Com-

pany, it is manifest, that Lord Wellesley could not consent to their being appropriated to the Nabob's exclusive use, in the event of his resigning the government, without releasing him from the obligation of paying up his arrears, and without thereby adding in an equal proportion to the public embarrassments of the state.

Lord Wellesley, therefore, informed the Nabob, that he could not consent to his abdication, unless he surrendered to the Company, in perpetuity, the sole and exclusive possession of Oude, under such arrangements, as should secure a liberal provision for himself and his family.

The Nabob, however, would not acquiesce in this proposition; which, founded on substantial justice, was neither adapted to gratify his voracious avarice, nor to flatter his insidious pride, and, as the notion of ab-

dicating the government had entirely originated with himself, Lord Wellesley did not press it upon him, and the business accordingly dropped.

Yet, whilst the Nabob was thus soliciting the British government for permission to appropriate the public treasures to his own private use, his arrear still remained undisputed, and the financial exigencies of the country continued rapidly to increase. Such at last was the pressure of public distress, that the Nabob explicitly declared his apprehension of a *total failure* in the revenues, and he again intreated the aid of the British government to place them under a better system of management. Lord Wellesley embraced this occasion of again impressing upon his mind the indispensable necessity of an immediate and total change in his government, and of his giving the Company a complete and permanent security for the

future maintenance of the British army in Oude, which was essential to the protection of the province against foreign aggression, and to its preservation from domestic commotion.

On these principles Lord Wellesley proposed to the Nabob, as the result of his final deliberations on this important subject, — that he should transfer to the Company the exclusive possession of the whole province of Oude, with all its public authorities; and that he should receive, for himself, and all the branches of his family, his relations and dependants, such allowances as should be amply proportioned to their respective ranks and dignities. If the Nabob objected to this proposal, his Lordship informed him, he should not enforce it; but that in that case he must insist on the Nabob making an immediate cession to the Company, in perpetuity, of such par-

particular portions of territory, in commutation of the subsidy which he then paid, was should appear best calculated to secure the general interests of the state.

The Nabob, in answer to this communication, made such earnest objections to the proposal of transferring the whole province to the Company, that Lord Wellesley, from motives of lenity, and from considerations of personal respect, was induced to relinquish it. His Lordship, therefore, only insisted on the territorial cession in commutation of subsidy; and he accordingly instructed the British Resident in Oude to make an arrangement with the Nabob for that purpose. The Nabob, however, by long deliberations, frequent discussions, much evasion, and occasional letters, contrived to delay, for many months, the conclusion of this arrange-

ment; until at length the necessities of the country became so urgent, and the arrears of subsidy, which had been due for three years being still unpaid, Lord Wellesley determined to admit of no farther postponement of a settlement, in which the interests and happiness of so many millions of people were involved. He, therefore, deputed his brother, Mr. Henry Wellesley, to the Nabob; who, by the spirited good sense, and judicious moderation of his conduct, in conjunction with the knowledge and experience of Colonel Scott, soon brought the business to a final termination.

In November, 1801, a treaty with the Nabob was concluded, by which certain districts in the dependancy of Oude, the annual revenue of which *exactly amounted* to the subsidy that the Nabob was *before bound to pay*, were ceded in perpetuity to the Company; by which the Nabob was

exonerated from all future payments of subsidy, as well as from all pecuniary demands whatever; and by which the Nabob engaged to establish, in the reserved dependancy, such a system of administration as should be adapted to secure the lives and property, and to advance the prosperity of the inhabitants.

Lord Wellesley, soon after the ratification of this treaty, proceeded to Oude himself; when, in several conferences with the Nabob, he adjusted some points arising out of the provisions of the treaty, which formed a necessary supplement to it.

These points were, 1st. the immediate discharge of the arrear of subsidy, which, though some part of it had been paid, still amounted to £ 242,000.—2d. The further reduction of the Nabob's military establishments to five battalions of infantry and two

thousand horsemen. 3d. The future regular payment of the pensions to the Nabob's relations and other dependants. 4th. The introduction of an improved system of civil government into the reserved dominions of Oude, with the advice and assistance of the British government. 5th. The British force employed within the reserved dependancy, to be concentrated at a cantonment in the vicinity of Lucknow.

The Nabob made no material *objections* to any of these points, and an arrangement founded upon them was accordingly concluded.

Thus the dependancy of Oude, whilst it was narrowed in its extent, was improved in its condition,—by the reduction of the Nabob's troops; by the Nabob being bound by an *express stipulation* of his new covenant, to reform all the existing abuses of his civil government; by the additional security

which it derived from the new arrangement, both with a view to foreign invasion and to internal rebellion; by the general confidence with which the people were inspired; and by the encouragement which was consequently held out to the revival of industry, agriculture, and commerce.

These important benefits were greatly enhanced by the principle of choice adopted by Lord Wellesley, in fixing on the districts to be placed under the British government. His Lordship did not fix on those districts in which there existed a comparative superiority in point of tranquillity and cultivation; but he made choice of those parts of the country in which the greatest turbulence and waste prevailed, which had been annexed to the province of Oude by the British arms, which had never peaceably submitted to the Nabob's government, and which formed the natural barriers of that

dependancy, as well as of the whole of our dominions in Hindoostan, not only against the encroachments of the French Mahratta establishment on our frontier; but against the attack of any invader from the North-west of Asia.

Hence, the districts appropriated by the British government were, *first*, those which, together with the tributary state of Furruckabad, form the tract of country called the lower Doab, that is situated between the rivers Jumna and Ganges, and extends from their confluence at Allahabad, to the French Mahratta frontier on the plains of Coel; *second*, the districts of Rohilcund, which were annexed to Oude in 1774, and which bound it on the North; and *third*, the district of Goorakpoor, which forms its Eastern confine.

Into all these tracts of country the same system of government was introduced as

that which had long been established in Bengal; and which had redeemed that fertile province from a state of impoverishment and misery, and raised it to a higher degree of affluence and happiness, than what history records, or even poetry celebrates, of its ancient condition.

Thus our dependancy in Oude is now surrounded by provinces, flourishing under the benignant influence of the British system; and protected, not alone by the powerful valour, but by the unsullied and wide-spreading fame of our arms.

This auspicious conclusion, as well as every other part of those important transactions, was regularly reported to the Court of Directors, and highly approved of by them.

The printed papers before the House of

Commons shew, that as early as the 3d of October, 1798, Lord Wellesley stated to the Secret Committee of the Court of Directors, that he had under consideration, " the best means of securing the regular payment of the subsidy in Oude." *

In his letter to the Secret Committee, of the 21st and 28th November 1799, Lord Wellesley continues to state " his anxiety to carry into execution such a *reform* of the Nabob Vizier's *military establishments*, as should *secure* us from all *future danger on the frontier of Oude*, and should enable him to *introduce a variety* of necessary improvements in the government of the country." †

His Lordship again brought the subject

* Oude Papers, No. 5.

† *Ibid. supra.*

before the consideration of the Secret Committee in January and in March, 1800. In his letter, under date the 7th of March, he observes, " When I shall have completed
 " my arrangements for the military defence
 " of Oude, and shall have disarmed the
 " useless and dangerous troops of the Vizier,
 " I shall proceed to *adopt the most effectual*
 " *measures* for the reform of all the branches
 " of his Excellency's government. Such a
 " reform cannot be *postponed without the*
 " *certain injury, if not the absolute destruc-*
 " *tion of the valuable resources which the*
 " *Company at present derive from that*
 " *country.*" *

On the 31st of August 1800, the Governor-general in Council, in a letter to the Secret Committee, reported, " That it was
 " their intention to proceed, with the least

* Oude Papers.

“ possible delay, to a *revision* of the Nabob
 “ Vizier’s *civil establishments*, and of the
 “ general interests of the Company in the
 “ province of Oude.” *

The treaty with the Nabob was concluded on the 10th of November, 1801, and a copy of it was transmitted to the Court of Directors, on the 14th of that month. This dispatch was received by the Court of Directors in May 1802; and, after *eighteen months* deliberation on the subject, the Secret Committee, on the 19th of November, 1803, addressed the Governor-general in Council, in the following terms :

“ Having taken into our consideration the
 “ treaty lately concluded between the Go-
 “ vernor-general and the Nabob Vizier,
 “ we have now to SIGNIFY OUR APPROBA-

* See Oude Papers.

" TION OF THE PROVISIONS of that treaty.
 " We consider the *stipulations therein con-*
 " *tained*, as calculated to *improve and secure*
 " the *interests of the Vizier*, as well as
 " those of the Company, and to *provide*
 " *more effectually hereafter* for the good
 " *government and prosperity of Oude*, and
 " consequently for the *happiness of its*
 " *native inhabitants.*"*

Thus was the APPROBATION of the Court
 of Directors explicitly and unequivocally
 expressed, by that authority to whom their
 power, in political affairs, is delegated by
 Act of Parliament.

I have indeed heard, that the faction, by

* See this letter in No. 12, of the list of Papers before
 the House, marked No. 2. page 58. It is signed,

JACOB BOSANQUET,

JOHN ROBERTS,

WILLIAM DEWYNES.

whom the councils of the Company have for these last two years been ruled, attempt to make a distinction between the orders and communications of the secret committee, and those of the whole body of the Directors; as if the approbation of a treaty, or of any other political measure, transmitted by that committee to the executive officers in India, was not to be considered by them as conveying the sanction of the supreme authorities in England, or as a binding and definitive confirmation of the Act to which it related. But to shew you that this distinction has not even the merit of a sophistical fallacy, and that it is totally untrue in fact, as well as in reason, it will be sufficient to cite to you, the ORDER of the whole collective body of the Court of Directors, which is transmitted *regularly every year*, to the Governor-general in Council at Bengal. That ORDER is thus expressed:—“Having appointed ———

“ during the present direction, to be a *secret*
 “ *committee, agreeable* to, and for the *pur-*
 “ *poses* stated in, the Acts of the 24th, 26th,
 “ and 33d of his present Majesty, *we have-*
 “ *by direct*, that ALL ORDERS AND INSTRUCTIONS
 “ which you shall receive from our
 “ said *secret committee* be OBSERVED and
 “ OBEYED with the SAME PUNCTUALITY AND
 “ EXACTNESS, AS THOUGH THEY HAD BEEN
 “ SIGNED BY THIRTEEN, OR MORE members
 “ of the Court of Directors, conformable to
 “ the said Acts.”

The gentlemen who make the distinction
 in question, may continue to exercise their
 unsophisticated casuistry in maintaining, that
 the executive officers in India had no right
 to consider the *orders* and *instructions* of
 the secret committee, as having the au-
 thority and force of the Court of Directors:
 but I think that you, and every other man
 unconnected with those most conscientious

reasoners, will agree, that, by the annual order of the Court of Directors, and consequently by the Acts of Parliament therein referred to, the Governor-general was *bound* to "*observe*" the dispatches of the secret committee, with the *same* attention as those of the Court of Directors at large; and, that he was, therefore, *bound* to consider their APPROBATION of the arrangements in Oude, as a complete and final ratification of them.

After reading this statement of the transactions in Oude, which is supported in all its parts by the *accuser's own evidence*, I request you to turn to the specific allegations of the charge, and ask your own clear and unbiassed judgment, whether Lord Wellesley has been guilty of *injustice* and *oppression*? Has his Lordship, as the charge asserts, *violated the rights, and insulted the sovereign of an independant state*? Did he

unjustly, unlawfully, and on false pretence, pour troops into Oude, in order to effect designs of encroachment, extortion, and corruption? Did he unlawfully call on the Nabob, contrary to treaty, to good faith, to honour, and to honesty, to defray the expenses of those troops, for the sinister purpose of compelling the Nabob to declare his inability to do so? And finally, did he unjustly and unlawfully seize on that declared inability, as a pretext for depriving the Nabob of one half of his territories?

Compare these allegations with the evidence which has been adduced in their support, with the elucidations which I have given you of that evidence, with the grounds on which I have placed the main question at issue, and with the arguments by which I have maintained those grounds, and, I think, you cannot but be satisfied, that the whole charge is a tissue of falsehood and misrepre-

sentation, more gross and palpable than any with which parliament, or the country was ever before attempted to be deluded.

There are, however, three remaining allegations against Lord Wellesley, upon which it may be necessary to make a few observations.

His Lordship is charged *with having been guilty of an illegal act, in appointing his brother, Mr. Henry Wellesley, to conclude the negotiation with the Nabob, and afterwards to superintend the transfer and settlement of the ceded districts in Oude.*

The alleged illegality of appointing Mr. H. Wellesley to manage the settlement of the ceded districts, is founded on the circumstance of Mr. Wellesley not being a covenanted civil servant of the Company, and his appointment being therefore supposed

to be contrary to the provision of an Act of Parliament. But a reference to the *particular clause* in the Act, which contains the provision alluded to, will at once shew you, that it does not embrace, and can on no means be made applicable to the *temporary* appointment in question.

The Act of the 33d Geo. III. cap. 52. sec. 57. directs, " That all VACANCIES in " the civil line of the Company's service in " India, shall be supplied from amongst the " Company's civil servants."

Here you see, that the letter of this *clause* applies *only* to the filling-up of VACANCIES in the Company's *regular civil establishment* in India; and it is quite evident, that taking the *spirit* of the *clause* in its widest latitude, it can only apply to appointments to PERMANENT offices, under an *extension* of that *establishment*. It is, therefore, totally in-

applicable to the appointment in question, which was in its nature *temporary*, and in its duties confined to *particular* and *distinct* objects.

Mr. Henry Wellesley was private and confidential secretary to the Governor-general: and, from the circumstance of his holding that situation, from the authority which his own tried abilities naturally gave him, and from the respect which the nearness of his connection with the Governor-general was calculated to create amongst the natives, his Lordship justly conceived, that it would be productive of advantage to the public service, to employ him in carrying into effect the final arrangements in Oude. For this purpose he was first deputed to Lucknow, to bring the long depending negotiation with the Nabob to a conclusion; and, after the accomplishment of that object, he was appointed, with the *temporary rank*

of *Lieutenant-governor*, to be President of a Commission, composed of the Company's civil servants, and instituted for the *express* and exclusive purpose of introducing into the ceded districts that system of revenue, and of jurisprudence, which was established in our other dominions in India. So that, when this *specific* service was completed, the commission for which it was formed was of course dissolved.

From this appointment Mr. Wellesley derived *no emolument whatever*, nor did he ever receive *any pay*. His salary as private secretary to the Governor-general, the *amount* of which is *fixed* by the *express orders* of the Court of Directors, was continued to him; but he neither received, nor would he *accept* of any thing beyond it. The whole cost of this appointment to the Company is, therefore, comprised in the charge made for the extra expenses which he un-

avoidably incurred in the performance of his arduous and important duties.

The *right* of the Governor-general to make an appointment of this nature, is fully recognized by the *discretionary power* with which he is invested,—of selecting for the execution of *extraordinary* and important services, those persons who shall appear to him best qualified to perform them with credit and success, and in whom, therefore, he can repose the greatest confidence.

The exercise of this *discretionary power* was justified, not only by the practice of the Supreme Government in India, but by the express sanction of the Court of Directors. Lord Cornwallis appointed Colonel Read, and three military officers, to settle the countries ceded by Tippoo Sultaun in 1792.

Mr. Henry Wellesley was appointed to a

commission for settling the affairs of the conquered countries in 1799; and the Court of Directors not only *approved* of this appointment, but *bestowed a reward* on Mr. Wellesley for the important service which he had rendered the Company on that occasion.

Lord Wellesley, therefore, had the most powerful reasons for appointing his brother to a *similar* commission in Oude; and the Court of Directors found the same cause to testify their approbation of the manner in which that service was performed.

In the letter from the Secret Committee of the Court of Directors to the Governor-general in Council in Bengal, before referred to, and under date the 19th November 1803, their approbation is expressed in the following terms:—"We cannot," they say, "conclude, without expressing our *satis-*

“ *faction*, that the cessions in question have
 “ been transferred, and provisionally set-
 “ tled, with so little delay, and in a *manner*
 “ so *satisfactory*, as already to admit of
 “ their being brought under the general
 “ administration of the Bengal government.
 “ The Special Commission, at the head of
 “ which Mr. Henry Wellesley was placed,
 “ appears to have executed their trust with
 “ *zeal, diligence, and ability*; and the set-
 “ tlement of the revenue, which they have
 “ concluded for a period of three years,
 “ holds out flattering prospects of future
 “ increase. The general report delivered in
 “ by Mr. Wellesley, on the *termination of*
 “ *his mission*, has afforded us much satis-
 “ factory information with respect to the
 “ resources of the upper provinces; and
 “ *we are happy to take this occasion of ap-*
 “ *proving the conduct, and acknowledging*
 “ *the services of that gentleman.*”

The accusers of Lord Wellesley, however, entertain a far different opinion of those services; for, through the agency of Mr. Wellesley, his Lordship is expressly charged with having committed "*Murder !!!*"

But when, to their infinite mortification, they discovered that the official documents, which they had moved for and laid before the House, did not supply them even with a colourable ground on which this general, but positive, accusation could be sustained, and that the cry of indignation and horror which it was their sole object to raise against the accused, was turning upon themselves with reverberated force, some of their more discreet, if not less malevolent, abettors, thought it might be *prudent* to give some explanation of the specific acts, which their peculiar notions of the distinctions of crimes, and the propriety of language, had led them

to designate, under the expressive appellation of "*Murder*."

They accordingly drew up a supplementary article of charge, accusing Marquis Wellesley of *high crimes and misdemeanors*, in his transactions with the Zemindar of Sassne and Bijjaghur, the Zemindar of Cutchoura, and other Zemindars in the Dú-áb.

In this article, the original charge of "*Murder*" is explained in the following manner:—*That Lord Wellesley usurped the country of the Dú-áb, in which the Zemindars in question possessed estates, and in which they resided;—that he demanded from them an increase of the land-rent, or tax; That the Zemindars REFUSED TO PAY this increased rent.—That Lord Wellesley, in consequence, declared them to be in a state of rebellion.—That troops were marched*

against them to compel them to submit.—That the Zemindars naturally resisted that force.—That many of their followers and adherents fell in the conflicts which consequently took place.—And, finally, that all these acts were unjust, unlawful, cruel, and tyrannical, having been committed towards persons over whom the British government had no control, from whom Lord Wellesley, therefore, had no right to demand allegiance, who owed no obedience whatever to his commands, and who were, “ IN LAW AND IN FACT, THE SUBJECTS OF THE NABOB VIZIER OF OUDE.”

Now, taking the facts as they are here stated by the accusers, it is clear they would not have considered the acts *imputed* to Lord Wellesley as unjust and unlawful on the part of the Nabob Vizier of Oude, as the Zemindars were; “ *in law and in fact,*” the Nabob’s subjects. If, then, I have suc-

ceeded in proving, that the arrangements concluded with the Nabob Vizier, by Lord Wellesley, were founded in justice and sound policy, it is impossible to deny, that the transfer of the Nabob's civil authority over the districts in the Dû-âb, and, consequently, over the Zemindars in question, to the British government, which formed the principal part of those arrangements, was a just and legal act. And if that transfer was just and legal, the Zemindars of the Dû-âb became, "*in law and in fact,*" the subjects of the British government.

Having thus become the lawful subjects of the British government, those Zemindars were bound to obey the laws which that government enacted, and, by an unavoidable consequence, to pay the taxes which it imposed. And, if they resisted the execution of its laws, or the payment of its taxes, the government had a clear and indisputable

legal right to coerce them into submission by force of arms. Hence, any resistance which they made to the exercise of this right, was an act of rebellion against the sovereign authority of the state, by which their lives and properties were protected from all enemies; and by which, therefore, according to the principles of equity, and to the practice of nations, they were under a sacred obligation to obey.

That the Zemindars did not concur in the change of government, or were hostile to it, could in no manner alter the obligation of their allegiance, or exempt them from the penalties of treason and rebellion.

A government, whatever may be its form, which is justly established in any country, is the legitimate organ of the nation, and all its acts are completely valid in themselves, and binding on the people. The Zemindars,

and other inhabitants of the Dû-âb, were subject to the dependant government of the Nabob in all civil affairs; but they owed obedience to the paramount authority of the English, because they derived from them their sole security against all foreign aggression, and more particularly against the Mahrattas, whom nothing but such powerful protection could have prevented from annually ravaging and laying waste their lands. It is therefore plain, that if the Nabob, under *all the peculiar circumstances* which I have stated, was legally bound to submit to that paramount authority, so all those subject to his subordinate government, and consequently the Zemindars of the Dû-âb, were necessarily included in that submission. Hence, the arrangements made with the Nabob, for placing the Dû-âb under the immediate authority of the British government, was completely binding on the Zemindars : and hence, if they opposed that

authority with an armed force, we had an unquestionable *right* to declare them in a state of rebellion, to reduce them to obedience, and to inflict upon them all the penalties which they had incurred.

The exercise of this right, however, ought in general to be used with a sparing, though firm, hand. In a rebellion arising from a recent change of government, many extenuating circumstances may occur. Much certainly is due to mistaken views of national interest, much to ancient, or confirmed prejudices, much to the excesses of a generous enthusiasm, and more to the misguided virtues of private worth.

But in the case under our review, where can we find any of those mitigating circumstances which engage our compassion, and soften the rigour of the law ?

The charge, indeed, informs us, that the Zemindars of the Dû-âb *are Rajahs, who have descended from the ancient Hindû princes of Hindûstan* “ *through a long line* “ *of venerable ancestry; that they possessed* “ *princely rights, honours, and estates, which* “ *their sovereign could neither alienate nor* “ *destroy; that they were greatly respected* “ *by the sovereigns, and highly revered by* “ *the people of Hindûstan;*” and that the Zemindar of Sâssnee and Bijjehur was “ *RENOWNED*” for his “ *PRIVATE WORTH*,” and “ *BELOVED*” by the *WHOLE COUNTRY*, on account of the “ *EQUITY*” and “ *LIBER-* “ *ALITY*” of his “ *character.*”

But this glowing picture is only a fictitious representation, displayed by the accusers as a stratagem to lure the sympathies of the ignorant, and to betray them into an approbation of their cause; for the first glance of truth detects and defeats it.

In describing the condition of the Dû-âb, in a former part of this letter, I stated, that the Zemindars of that country were characterised by their predatory and rebellious spirit; that they had amassed wealth, by committing continual depredations on their neighbours, and by the habit of making enormous exactions from the travelling merchants who passed through their districts; that, in order to protect the property which they had thus acquired, they had erected small forts, and retained in their service large bodies of armed adherents; and that, fortified by these means, they had long opposed the lawful authority of the government of Oude, and had never paid their taxes, until they were reduced to submission by force of arms. The accuracy of this statement is fully proved by the accusers' *own evidence* at the bar of the House of

Commons, * and is sufficiently corroborated by the very documents laid before the House, in support of this specific charge. †

As to the "*venerable ancestry of those Zemindars, and to their princely dignities and estates !*" it is necessary to advert to a few historical facts, in order that you may know the real nature of those hereditary distinctions, the fall of which we are so dolefully called upon to reverence and bewail.

All the native historians, who describe the state of the Dû-âb in modern times, concur in representing the chief Zemindars of that

* See the evidence of Major Ousely, Aid-de-camp to the Nabob of Oude. *Minutes of Evidence*, p. 67. before referred to.

† See Supplement, No. 2 to No. 3, of the Oude Papers, relative to the Rajahs of Sassnee, &c. &c. &c. pages 275, 6, 7, 8, 291, 298, *et passim*.

country, as belonging to the tribe of Jauts, a ferocious but politic banditti, who migrated from the lower parts of the province of Moulân, towards the close of the reign of Aurungzebe, and who first attracted notice on the banks of the Jumnah, about the beginning of the last century. Churamâna, the most famous leader of this band of robbers, settled in the southern districts of the province of Agra, where, by plundering the numerous traders, and other travellers who passed through that part of the country, he acquired immense riches, gathered round him several thousand adherents, assumed the title of Rajah, and fixed his place of residence at Bhurtpoor. Other chiefs of the tribe who had followed his fortunes, becoming envious of his success, or rather from the natural turbulence of their disposition, feeling impatient of the control of any superior, deserted his standard; and crossing the Jumnah, were suffered, by the Moghul

government, to form establishments in the Dû-âb; on the conditions of performing military service, and of paying the usual taxes to the state. There, those chiefs rivalled their former leader in the ardour and constancy with which they adhered to the characteristic habits of their race; and they even surpassed him in the extraordinary dexterity, if not in the boldness of their robberies. As their wealth accumulated by these means, the number of their followers proportionally increased; until, at last, their depredations were conducted in so systematic and formidable a manner, that the presence of the imperial army was often necessary to suppress them. Hence, when the Moghul empire had sunk into the last stage of its decline,—some of those chiefs, no longer fearing its power, assumed the title of Rajah or Prince, enlarged the boundaries of their possessions, built forts, and set at defiance the authority of their sovereign.

Such was the situation of those chiefs, when the Dû-âb was conquered by the British arms, and placed under the government of the Nabob of Oude.

The weakness and corruption of that government greatly favoured their predatory habits; they extended their system of plunder beyond their own immediate sphere; and often pillaged the peaceful villages of the surrounding provinces;—until at length they became notorious throughout Hindûstan, as a lawless and desperate banditti.

The most powerful, as well as the most atrocious of the chiefs of this banditti in the Dû-âb, was the Zemindar of Sassnee. That man, from being, about thirty years ago, the proprietor of a small Zemindary, gradually raised himself to an evil eminence, by the flagrant and extensive robberies which

he committed on his neighbours, by the vast sums of money which he extorted from travellers, by his keeping an armed force of twenty thousand men for these purposes, and by the possession of two strong forts, in which he treasured his spoils.

Yet this is the *very man* whom the accusers of Lord Wellesley represented "*as* "*renowned for his PRIVATE WORTH, and as* "*beloved for his EQUITY and LIBERALITY!!*"* But it is likewise the *very man* whom Major Ousely, a principal evidence called before the House by the accusers to prove their allegations, describes as one of the people "*CALLING THEMSELVES*" *Zemindars and Rajahs, who practised, all sorts of imposition on persons travelling, indigo merchants, and persons in trade.*—"One instance," said Major

* See the Charge against Marquis Wellesley for his conduct to the Rajah of Sassne and Bijjehur, &c. &c. &c.
Printed by order of the House of Commons.

Ousely, "I can state of a gentleman who
 " was stopped by the RAJAH OF SASSNEE;
 " and though he produced to the Rajah a
 " *perwannah*, which was a pass of *Almas*
 " *Alli Khan*, (the Collector of the Nabob's
 revenue, and, in fact, governor of the dis-
 trict) yet still, in DEFIANCE of all AUTHO-
 " RITY of the people he OUGHT TO BE SUB-
 " JECT TO, this man not only STOPPED the
 " *indigo*, but CARRIED IT INTO HIS FORT,
 " AND LEVIED WHAT DUTIES HE PLEASSED
 " UPON IT BEFORE HE WOULD LIBERATE
 " IT!"*

Such, therefore, is the "EQUITY" and
 "LIBERALITY" which these accusers
 "LOVE," and such the "PRIVATE WORTH,"
 which they celebrate.

* See the evidence of Major Ousely before the House
 of Commons. *Minutes of Evidence*, p. 67. Before
 quoted.

The Zemindar of Cutchoura, the next object of the accusers' sympathy, was a less distinguished, because he was a less powerful; robber; his enterprizes had not been signalized by such dauntless atrocities; but, true to the character of his tribe, he had pursued, with unremitting activity, the same practices which had raised them into nottice; and he was fired with all the ambition of emulating the boundless rapacity of his more formidable rival.

Of the "*equity and liberality*" of the Zemindar of Tetteah, and his adherents, who, though not expressly named, are comprehended in the charge, * you will be able to form a competent notion, from the fol-

* The Zemindar of Tetteah, with all the other refractory Zemindars, are comprehended in the charge under the general appellation of the "*Rajabs and Zemindars in the Dû-âb.*"

lowing extract of an official letter from Mr. Ryley, the judge and magistrate of the district of Etawah, to Lord Lake, which letter was moved for and laid before the House of Commons, by the accusers in *support of their charge*.

“ By a Persian paper,” says Mr. Ryley,
 “ inclosed in Mr. Stracy’s letter, it appears,
 “ that Rajah Chutter Sall and Chutter Sing,
 “ *with four or five thousand men, and two*
 “ *guns, a few nights ago, plundered an in-*
 “ *digo manufactory, and murdered the per-*
 “ *son in charge of it; and, on the 8th in-*
 “ *stant, a salt golah, belonging to the Ho-*
 “ *nourable Company, at Meagung, the con-*
 “ *tents of which they, sent in carts, in the*
 “ *middle of the day to their fort of Tetteah,*
 “ *in the district of Etawah: by the same*
 “ *account it appears, that they have stationed*
 “ *people at the ferries of the river Ganges;*

*" and plundered every boat and passenger
 " they met with."*

*" I shall, of course, require them to at-
 " tend to answer the charge lodged against
 " them, which, if they refuse to do, their
 " disaffection being so very apparent, I hope
 " your Excellency will be pleased to order
 " their fort to be immediately destroyed, or
 " garrisoned by our troops, and the proprie-
 " tors, if not apprehended, declared rebels
 " against the state ; for but little peace and
 " tranquillity can be expected in that part of
 " the country, whilst they are permitted, in
 " open defiance to all authority, to ravage and
 " plunder the country around them." **

It does not, therefore, appear, that those
 Zemindars were intitled to any special in-

* See papers relative to Sassanee, Bijjoghur, Cuttichour, and Tetteah, in Supplement No. 2 to No. 3, of the Oude Papers, page 291.

dulgence from the English government, on account of their former good conduct, their general character, or any of those generous, though mistaken prejudices and feelings, by which men are sometimes prompted to resist the lawful authorities of the state. With them, a resistance to lawful authority was not produced by any peculiar circumstances, much less by sentiments of dislike to any particular system of rule: the governments of the Moghul, of the Nabob, and of the English, they had alike insulted and defied; and if they felt a greater repugnance to the government of the English, than to that which preceded it, their increased enmity evidently arose from the restraint which it imposed on their depredations, by its regular administration of justice. Hence their hostile resistance to the laws and regulations which we introduced into the country, did not proceed from any peculiar antipathy

to them, but from that inveterate hatred of all laws, and of every sort of authority and subordination, which constituted an essential principle of their system of life.

Men, whose principles and habits were thus in eternal hostility with all social order, could under no circumstances have any claim to compassion. Even if they had not opposed the lawful authority of government, the interest of society, and the peace and safety of the country would have required that their practices should be stopped. But when the Zemindars of Sassnee and Cutchoura had actually taken up arms against the government, political necessity, as well as public justice, loudly demanded their punishment.

A military force was accordingly employed to reduce them; their forts were taken and destroyed; they themselves ef-

feeted their escape; and their estates were confiscated.*

In this fatal consequence of the rebellion of those desperate depredators, much slaughter ensued, and some innocent lives must doubtless have been lost. But against such an evil it was impossible to provide a remedy. "That the same vengeance," says Dr. Johnson, "involves the innocent and the guilty is an evil to be lamented; but human caution cannot prevent it, nor human power always redress it. To bring misery on those who have not deserved it, is part of the aggregated guilt of rebellion."

* A special civil court was afterwards appointed for the trial of persons who had been actually concerned in this rebellion. Ten of the followers of the Zemindar of Tettsah were tried, of whom nine were acquitted.—See the Papers relative to Sassnec, &c. &c. in No. 2 to No. 9, of the Supplement of the Oude Papers, p. 302.

On the whole then, I think we may conclude, that the Zemindars of the Dû-âb were the lawful subjects of the British government; that their hostile resistance to its authority was an act of rebellion; that their habits of life were at war with civil society itself; and that, therefore, the punishment of their rebellion, and the suppression of their practices were equally called for by the voice of reason, of justice, and of morality; and can only be considered as crimes by the inverted ethics of the accusers, who have exemplified "*equity, liberality, and private worth,*" in the character of a man, whose custom was, to stop unoffending travellers on the road, to carry them forcibly to his fort, and there to compel them to surrender their property, as the ransom of their deliverance.

According to this new system of morals, having laid down, that the sup-

pression of rebellion, robbery, and murder, was a *high crime*,—they proceed to charge Lord Wellesley, “ with having, in a *wicked and cruel manner, violated the most sacred ties,*” by concluding an arrangement with the Nabob of Furruckabad, which the public documents prove, was of the most peaceful and amicable nature.

This charge is before the House, and I must refer you to it; but the subject matter of it may be comprised in a few words.

It states,—that *Furruckabad was a small province, tributary to the government of Oude, without any military defence of its own, and solely relying for its protection on the Nabob Vizier. That the British government had guaranteed the protection, and had long been in the habits of directly interfering in the internal affairs of Furruckabad: That Lord Cornwallis, disapproving of this*

direct interference, withdrew from Furruckabad the British agent, by whom it was exercised: That in this state of things, Lord Wellesley having obtained from the Nabob Vizier of Oude, a cession of one half of his territories, included in that cession the tribute from Furruckabad: That Lord Wellesley, not satisfied with this tribute, did, through the agency of his brother, Mr. Wellesley, and by unjustifiable means, urge the Nabob of Furruckabad to consent to a transfer of the whole province to the English Company: And that, at last, he did actually compel the Nabob to sign a treaty, by which
“ the province of Furruckabad and its
“ dependancies were ceded in perpetual
“ sovereignty to the Company.”

The information here given by the accusers, respecting the state of Furruckabad, and its relations with the Nabob Vizier, and

with the English, *previous* to the new arrangements in Oude, though sufficiently correct as far as it goes, requires the addition of some historical particulars, to enable you to take a full view of the subject, and to form your judgment on the measure which Lord Wellesley adopted, and for which he is arraigned.

The territory of Furruckabad was, at the commencement of the last century, a district of the Moghul empire, and was then, as it still is, chiefly inhabited by Patans, a race of Mussulmans equally distinguished in Hindûstan by their intrepid bravery, and their ungovernable turbulence. Mummud Khan, one of these Patans, having signalized himself in the service of the Emperor Furruckseer, was elevated by that prince, to the rank of Nabob, and farther rewarded with a grant of twelve villages in his native

district; where, in 1718, he founded a city, which, in honour of his sovereign, he named Farrukhabad. By obtaining additional grants from time to time, but principally by farming the land rents of the imperial government, in the adjacent districts, he gradually enlarged his domain: so that, in the course of thirty years, he established a small state, which yielded a revenue of about forty lacs of rupees, in which he maintained a considerable military force, and in which, from the distractions that prevailed in the Court of Delhi, at the commencement of the reign of Ahmed Shah, he was enabled to withhold from his sovereign the customary tribute, which, by the Moghul constitution, he was bound to pay. But this virtual assumption of independency, soon excited the jealousy of Sâdûr Jung, the Nabob Vizier of Oude, who, partly on that account, and partly from a quarrel which had for some years before

subsisted between the two families, obtained the Emperor's permission to reduce his rival to subjection. The death of Mummud Khan, and the succession of his son, an inexperienced youth, encouraged this enterprize; which was carried into effect by instigating the Rohillas to attack Furruckabad. A battle ensued, in which the young Nabob was slain. But his more resolute and skilful successor, rallied his shattered forces, and marching against the Vizier, who was at the head of a large army, compelled him to retreat with considerable loss. The family animosity was, by these events, naturally increased; and, by the protracted hostility which they occasioned, the resources of Furruckabad were almost entirely exhausted. Under these circumstances, the Vizier Sujah-ud-Dowlah, adopting a wiser policy, mitigated, if he did not heal the existing feud; and obtained, by an amicable treaty, that ascendancy over Furruckabad,

which his father had stroved in vain to establish by arms.

From this period of time the affairs of Furruckabad were administered under the authority of the Nabob Vizier, by whom the public ministers of its government were appointed. A few years after the succession of the Vizier Assof-ud-Dowlah, the Nabob Muzuffer Jung having ordered two of those ministers to be put to death, without any reference to the government of Lucknow, the Vizier proceeded to Farruckabad, with a military force, for the avowed purpose of displacing the Nabob, of sending him a prisoner to Lucknow, and of confiscating the whole of his property. But the English Resident in Oude remonstrated against the severity of this punishment; and, under his controlling authority, a treaty was concluded, whereby the province of Furruckabad was placed under the sole and

entire protection of the Vizier *and the English government*;^{*} and whereby the Nabob Muzuffer Jung, became bound to pay to the Vizier an annual tribute of four lacs and a half of rupees, or $\text{£}56,250$ sterling.

The Nabob of Furruckabad, having by this treaty permanently sealed his *vassalage* to the Vizier, and his *subjection* to the paramount authority of the English government, an English agent was appointed to reside at Furruckabad, in order to control the administration of its affairs; and detachments of the English troops were occasionally employed in suppressing those insurrections which the collection of the revenues annually produced. The Vizier, however, jealous of the actual extension of the supreme control of the British government over the *subordinate*

^{*} The words of the Treaty are "*the Nabob English* *Sindore*—See No. 49, Furruckabad Papers, p. 74.

dependency of Furruckhabad, though absolutely essential to its tranquillity, prevailed on the Governor-general to make it an express article in the new arrangement which was concluded in 1781, that no English resident should be stationed at Furruckhabad. The impolicy of thus withdrawing our control from Furruckhabad, was in a few years strikingly manifested, by the revival of that civil discord which formerly existed between the families of the Vizier and of the Nabob, by their mutual complaints and recriminations, by the increased rapidity with which the revenues declined, by the arrears into which the annual tribute had consequently fallen, and by the additional distraction with which the province was overspread.

But the Court of Directors disapproved of the removal of the control which had been exercised in Furruckhabad, before they had any knowledge of these bad effects of the

measure; and they transmitted orders to the Governor-general in council, for the resumption of our authority over the affairs of that province. Hence an agent of the English government was again appointed to superintend them; who, after a residence of three years in the country, made an interesting report on its civil condition to Lord Cornwallis, then Governor-general.

That report states, that the revenues of the province which, under Mummud Khan, were estimated at upwards of *forty lacs* of rupees, had been reduced to *seven lacs*, and that such was the insecurity of property, and the consequent reluctance with which the people cultivated the lands, that even this small sum could only be collected in a season of tranquillity. "Some measures," says the resident, "but totally fruitless, were adopted last year for the restoration of tranquillity, which would have gra-

“ dually benefited the country. An increase
 “ of revenue could not be expected ; that can
 “ only arise, in a course of years, from
 “ an increase of inhabitants,—consequent
 “ to a reliance on a regular and steady
 “ government. At present, a long state
 “ of anarchy has so perfectly corrupted the
 “ minds of the people, that all confidence is
 “ lost between man and man, and villainy
 “ has so little scandal annexed to it, that
 “ there is scarcely an Aumil, or a Zemindar,
 “ in these districts, from whom it is not ex-
 “ pedient to take either father, child, or
 “ nearest relation, into confinement, as an
 “ hostage for the performance of his engage-
 “ ment to government ; and even this often
 “ proves inadequate to its purpose.”*

* A Report presented to the Right Hon. Earl Corn-
 wallis, Governor-general, &c. in Council, by Mr. J. Willes,
 resident at Furruckabad, 29th Jan. 1787.

Lord Cornwallis, after reading this report, and "after the maturest reflection on the situation of Furruckabad, was convinced of the propriety of withdrawing all interference in its management, because the attempts to *promote the prosperity of the country* had been equally *offensive* to the Vizier, and to the Nabob Muzaffer Jung."*

An event some years afterwards occurred, which shewed the impracticability of withholding the exercise of our control over the affairs of Furruckabad, without sacrificing the peace and the interests of our own "DEPENDANT FIET—the province of Oude.

The eldest son of the Nabob of Furrucka-

* I quote his Lordship's own words.—See a Minute in Council from the Right Hon. the Governor-general, recorded April 10th, 1787.

bad, having murdered his father, and being convicted of the crime, was carried to Lucknow, and there imprisoned by the orders of the Vizier; and the succession to *the Nabobship*, having thereby devolved on the second son Emdaud Hussein Khan (the present Nabob) who was then a minor, the province was left without any person to conduct its government. In this situation of affairs, the British government found its interposition indispensably necessary to save the country from utter ruin; and a manager was accordingly appointed by the Governor-general, to conduct its administration during the minority of the young Nabob. With a view to establish a system of regularity in the management of the province, Lord Teignmouth, when he was at Lucknow in 1797, saw the young Nabob and the manager; and, *under his lordship's orders*, an engagement was framed in concert with the Vizier, prescribing rules for the future administration of

affairs, and containing limitations and restrictions, calculated to suppress the prevailing evils and abuses. Upon the system established by this engagement, and under the direct support and protection of the British government, the manager continued to act—until the new arrangements concluded with the Vizier, by Lord Wellesley, gave us a still nearer interest in the prosperity of Furruckabad.

Such being the history and condition of this province, and such the nature, origin, progress, and actual state of its relations with Oude, and with the British government, you will at once perceive, that if Lord Wellesley's arrangements with the Nabob Vizier were just and politic, the whole question, arising out of this particular charge, turns on the two following points. *First*, whether the cession of the Furruckabad tribute was necessary to complete and per-

fect the arrangement with Oude; and, *secondly*,—whether the subsequent transfer of the whole province of Furruckabad to the Company was obtained by fair and just means, and was in itself a measure adapted to advance and secure the prosperity of that dependancy, as well as to improve the interests, and strengthen the authority of the British government in northern Hindûstan.

1st. You will bear in mind, that one of the chief objects of that reform in the government of Oude, which it had been so long our endeavour to accomplish, was the reduction of the Nabob's troops, and that the dismissal of those troops formed a primary part of the arrangement which Lord Wellesley effected. You will at the same time observe, that the dependancy of Furruckabad was destitute of all military defence of its own; and that it wholly placed its security, both from foreign and domestic

enemies, in the protection of Oude, guaranteed by the British government. So that if it were just and necessary to disband the troops of the Nabob of Oude, who contributed to disturb, rather than to maintain internal tranquillity, it follows, that we were bound by the obligation of our guarantee, to supply an effectual protection to the state of Furruckabad, instead of the useless and licentious soldiery, whom we had removed, and by whom its safety was endangered. Such protection had, in fact, become absolutely essential to avert its impending ruin; and was earnestly solicited by the person who administered its affairs.

On this ground alone, then, it is evident, that if the dismissal of the Nabob's troops was a measure indispensably necessary, the protection of Furruckabad devolved upon the British government, by whom it was guaranteed; and for that protection we had a

just right to a transfer of the tribute, which was not more than barely sufficient to defray the expenses of the military force, which the distracted state of the province constantly required.

But the transfer of this tribute is also justifiable on grounds of general policy, connected with the defence of Oude.

The province of Furruckabad is situated between the northern part of the ceded districts in the Dû-âb, and the river Ganges, and it is separated by that river from those parts of Rohilcund, which Lord Wellesley had appropriated to the British government, because they were essential to the completion of our line of defence against foreign invasion. That line of defence was narrowed in one part by the intervention of the province of Furruckabad, which lay both upon it, and in its rear. Under these cir-

cumstances, it became a matter of the highest importance to place that province under our immediate protection : so that, in the event of an attack from the French Mahratta army, stationed on our frontier, from which Furruckabad was distant only *eighty-five miles*, we should not be exposed to the imminent danger of having on our rear a province inhabited by a warlike race, who were impoverished, corrupted, and distracted by a long state of anarchy; who were destitute of every feeling of attachment either to their government, or to their country; who would therefore have been wholly careless about the issue of the contest; who would have looked upon it only with the hope of additional confusion and plunder; who would consequently have cut off the resources of our army; and who, if it sustained a repulse, would have been readily seduced to join the standard of the enemy.

Hence, then, the extension of our *permanent protection* to the dependancy of Furruckabad, and the consequent transfer of its tribute, were equally demanded, by the necessity of disbanding the troops, of Oude by the obligation of our guarantee, by the earnest solicitation of its government, by the deplorable and dangerous condition of its people, and, in fine, by the obvious policy of fortifying that line of defence on which I have shewn you the security not only of Oude, but of the whole of our dominions in Hindûstan materially depended.

2d. The arrangement which was afterwards concluded with the Nabob of Furruckabad, for ceding the whole province to the British government in perpetual sovereignty, was obtained by means unquestionably fair and just, under the peculiar circumstances of the case, and was founded

on the plainest maxims of a wise and beneficent policy.

Whilst the exercise of British authority over the affairs of Furruckabad had enabled the manager to give to his administration, some degree of tone and vigor, it rendered him obnoxious to the resentment of a few candidates for office, whose hopes had been defeated by his elevation: and who had in consequence placed themselves under the patronage of the young Nabob, with whom they had contracted an intimacy, into whose mind they laboured to instil sentiments of hostility against their rival, and through whose favour they sought to advance their own ambitious views. The intrigues which those persons unremittingly employed, to counteract the ordinary operations of government, in order to cast discredit on the manager's administration, had involved it in the most insupportable embarrassments. Hence, the principal persons in the depen-

dancy were divided into two parties, whose animosity had reached the highest degree of rancour, and had greatly aggravated those grievous evils, which the country had been so long fated to endure.

On the arrival of Lord Wellesley at Lucknow, after the conclusion of the arrangements with the Nabob Vizier, both those parties solicited, with the utmost earnestness and urgency, his lordship's interposition, not so much with a view to the adjustment of their differences, as to the accomplishment of their respective objects. The Nabob, whose minority was nearly expired, claimed a right of being invested in the government, and complained of the mal-administration of the manager. Whilst the manager, on the other hand, represented that those persons who had obtained an influence over the mind of the young Nabob, were men of the most abandoned characters,

that they misled the Nabob's judgment, perverted his principles, and openly encouraged him in every sort of profligacy and vice; and such was the ruinous effects of their conduct on the peace and interests of the country, and such the personal danger to which he was thereby continually exposed, that he intreated permission to resign an office, which it was impossible any longer to conduct with credit or advantage.

Combining these circumstances with the necessity of adopting some measure, which should effectually secure our interests in the dependancy of Furruckabad from the inevitable waste, to which they would be exposed by a continuance of the misrule which had so long prevailed,—it became not a matter of choice, but of *obligation*, with Lord Wellesley, to frame, in concert with the Nabob, a new arrangement for the government of the province, and for the relief of

its suffering people. His lordship, therefore, instructed his brother, Mr. H. Wellesley, in his capacity of Lieutenant-governor of the ceded districts in Oude, to meet the Nabob and the manager at a town, distant seventy miles from Furruckabad, to which they had been requested to repair for that purpose, and there to confer with them on the affairs of the province, and to form some settlement for its future government. And his lordship at the same time recommended the transfer of the dependancy to the Company, if the Nabob's concurrence could be obtained, as, being under all the ruinous circumstances of its condition, the *only measure* by which its tranquillity could be restored, the revival of industry encouraged, its resources improved, the Nabob's own comfort and personal safety effectually provided for, and the British interests permanently secured.

Mr. Wellesley accordingly met the Nabob and the manager; and, after consulting with

them separately on every point connected with the state of the country, he submitted to the Nabob a proposition,—to place the civil authorities, and the whole administration of the province, in the hands of the British government, and to secure to him and his heirs, in perpetuity, all the honours, dignities, and style of his rank, together with a salary fully adequate to support them.

With this proposition, the Nabob at first shewed a reluctance to comply, and expressed a wish, that the province might be intrusted to his management. But, upon Mr. Wellesley begging him to re-consider it, and impressing upon his attention the advantages which it embraced, he assented to it, with this observation,—“ That he was in every way disposed to satisfy him, and that, whatever he thought proper to settle, was for his (*the Nabob's*) good.*

* See a letter from Imdaud Hussein Khan, to the Lieutenant-governor, &c. &c. *Furrukabad Papers*, p. 28.

An agreement was then executed by the Nabob and Mr. Wellesley, whereby it was stipulated, that the province of Furruckabad, and its dependancies should be ceded in perpetual sovereignty to the Company; that the Nabob should be maintained in all the style and dignities, and treated with all the respect and honour due to his rank; that a salary of £15,500 sterling, should be settled on him and his heirs for ever;* that the houses;

* This salary is *more* than equal to the annual sum which the Nabob could have reserved for his own use out of the revenues of the country, under his management, after paying the Company's tribute, the expenses of his government, and the allowances which the different members of his family had been in the habit of receiving, and which he would therefore have been bound to continue.

The Court of Directors have blamed Lord Wellesley for the smallness of this salary. The munificent sentiment by which that censure must of course have been dictated, I cannot but admire; and as it is entirely in their own

gardens, villages, and all other property which belonged exclusively to his father, should be secured to him; and that certain annual allowances should be made to the different members of his family, and to his dependants, proportioned to their respective ranks.

You will observe, that this negotiation was conducted on the most friendly footing; and that no other influence was used by Mr. Wellesley, except that which arose from the natural predominancy of his public station, as the representative of a paramount power.

To object to a negotiation on this ground, would be to preclude the British government from making any arrangement whatever with any of its dependants; a principle which, pushed to its extent, involves the

power to rectify the deficiency, you will no doubt wonder to be told, that the benefit of their enlarged generosity has not yet been extended to the Nabob.

palpable absurdity of denying the validity of any contract, made between a superior and his dependant, because, from their relative situations, it must have been concluded under a predominating influence. The free consent of the parties to an agreement is, undoubtedly, essential to its legality; but by free consent, it is understood, *not* that no *persuasion* shall be exerted, but that no *undue* influence shall be employed to obtain it. The employment of an *undue* influence in a negotiation between a superior and his dependant, can alone mean the use of threats or intimidation. Now, in the case in question, there is not one word of evidence to prove, that any expression was used, which bore any semblance of a threat, or conveyed any sentiment of a compulsory nature.

The accusers fasten on the circumstance of the negotiation not having been holden

at the city of Furruckabad, where the Nabob might have conveniently consulted with his favourite advisers. But the known character of those advisers,—who were not old councillors, intitled to respect from their age, but young associates, remarkable only for the depravity of their morals, and their avidity for power,—afforded the strongest reason to conclude, that their advice would be dictated by considerations of their own individual views, without any regard whatever either to the welfare of the Nabob, or to the peace and interests of the state. In order, therefore, to prevent the exercise of an *undue* influence on their part, over the mind of the Nabob, it was justly determined to treat with him at a place, where he should not be subject to their selfish and profligate control.

The accusers indeed, assert, that the manager was *bribed to betray the interests*

of the Nabob. But how is this allegation supported by the documents before the House?

The Manager, who had *previously* solicited, in the most earnest manner, the permission of the British government to resign his office, was desired by Mr. Wellesley to state his unreserved sentiments, as to the arrangement which he thought best calculated for the future government of the country. He accordingly submitted to Mr. Wellesley three plans, one of which was, the transfer of the province to the Company; at the same time he expressed a hope, that his past services would not be forgotten; and Mr. Wellesley *then* informed him, that for *those services*, he might rely on the generosity of the British government.

But it is clear, that this assurance was neither made by Mr. Wellesley, nor un-

derstood by the manager, as a lure to influence his conduct in regard to the depending arrangements with the Nabob ;—for Mr. Wellesley expressly informs us, that he received no assistance whatever from the manager, in the course of the negotiation.*

The assertion, therefore, *that the manager was bribed to betray the interests of the Nabob*, is wholly unsubstantiated by the evidence ; and though it may appear in that light to the perverted reason of the accusers, it must be instantly rejected, as fallacious, by the plain sense of every impartial man.

This negotiation was, in fact, conducted throughout, and the treaty concluded on the same general principles by which the transfer of the province of Benares was

* See Mr. Wellesley's Letter to the Governor-general.
—*Furruckabad Papers*, p. 19.

obtained. And with this APPROVED PRECEDENT before him, Lord Wellesley must have felt his own opinion fortified, in regard to the justice and policy of the measure in question.

That this measure, by which the laws and regulations of the British government have been established in the province of Furruckabad, in which—" a long state of
 " anarchy, had destroyed all confidence
 " between man and man, and took away
 " all shame from villainy,"*—is adapted to advance its prosperity, I presume no one will attempt to deny. And, that this measure is calculated to strengthen the authority, and to improve the interests of our government in northern Hindûstan, must appear abundantly manifest, from

* See the Report of Mr. Willes, the English Resident at Furruckabad.—*Before quoted.*

what I have already said to you in regard to the province of Oude.

The whole of those arrangements but formed a part, though indeed a material part, of that great system of policy, the principles of which I endeavoured, in a late publication, to explain to the country.

This part of the system embraced the two great objects of inspiring and securing the attachment of several millions of people, inhabiting a fertile territory which we were previously bound to defend; and of thereby converting that territory, from a scene of waste and anarchy, into a source of domestic prosperity, and a powerful bulwark against foreign aggression. The prosperity which it is calculated to diffuse, can indeed only be fully displayed in a course of years; but, with the experience before us of the effects of our government, in the

provinces of Bengal and Behar, the same happy results may be looked for with a cheering confidence.

The defence which it affords against foreign aggression, was strikingly exemplified in the Mahratta war of 1803. The districts in Oude flourishing under the British government, supplied the most ample and ready resources to that victorious army, which vanquished and crushed the French Mahratta establishment, and thereby destroyed that instrument of hostility on which the cherished hopes of France had for some years been placed, and by which she had sought, with ambitious solicitude, to undermine, and ultimately to overthrow the mighty fabric of our Indian empire.

In the subversion of that politic project of France, Lord Wellesley derived the means of extending, and fortifying our line

of defence in northern Hindûstan ; not only by occupying the course of the river Jumnah, with the provinces of Delhi and Agra, through which it flows, but also by forming alliances with the small Hindû principalities, inhabited by that martial and generous race, the Rhâtore Rajpoots, who had solicited our protection against the merciless ravages of Holkar.

By the occupation of those provinces, we carried our frontier, in one broad unbroken line, across that part of the country through which alone an invading army from the west of Asia can penetrate into our dominions ;—and by those alliances we engaged the attachment of a people, characterized by their fidelity, no less than by their courage, who possess that tract of country which extends from the pathless desert of Moultan, to the province of Agra on the west, and to the river Sérâswâtee on the north ; so

that an invading enemy, from the west of Asia, could not form a junction with Holkar or Scindeah, whose dominions lie to the south of that tract, without passing through it.

In extending our frontier, and in forming those alliances, Lord Wellesley, I conceive, had it in view to improve a principal object of the Oude arrangements,—that of *strengthening and multiplying* our *securities* in that quarter of our dominions, which is *alone accessible* to the attack of a *continental invader*. He saw, that though *one* instrument of French policy was destroyed, which had threatened us with immediate danger,—the present ruler of France, still constantly and systematically pursuing his purpose, would never abandon the hope of extinguishing our power in the East. His Lordship saw, that after he had conquered by his arms, or subdued by his policy, the

fallen monarchies, and feeble governments on the continent of Europe, he would again cast his mind upon Asia; and that, invigorated by the collective resources of these subjugated kingdoms, and animated with a fresh fury, he would form a new and extensive scheme for the invasion of India. His Lordship saw, that in the formation of that scheme, he would endeavour to attach to his interests the states of Persia and Cabul, and after concluding alliances with them, he could gradually organize, in those countries, a French ASIATIC ARMY,—the only means by which it is practicable to invade our dominions in India with a chance of success.

These things his Lordship contemplated with the mind of a statesman, who penetrated into the vast designs of our enemy, who could not think it wise to delay our preparations for resistance until those designs

were actually put in execution, who, therefore, constructed a permanent system of defence against them, and who represented, in impressive and luminous language, the dangers which he thus saw from afar.

ANIMO VIDIT, INGENIO COMPLEXUS EST, ELOQUENTIA
ILLUMINAVIT.

Those dangers are now no longer matter of speculation. France has actually formed an alliance with Persia, and is at this moment organising in that country an army for the invasion of India. By the next accounts we may expect to hear of the French commander in Persia having formed a similar alliance with the more powerful state of Cabul; and of his having also obtained the permission of its monarch to organise and discipline an army of his warlike subjects, with a view to the conquest of Hin-

